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## Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of all, thank You for being America's strong defense across the seasons of its existence. Thank You also for Your forgiving grace that restores us in spite of our mistakes and failures.

Today, give our Senators a renewed sense of Your purpose so that they will stay within the circle of Your will. May they discharge their duties with the joyful focus of living worthy of Your great Name. Lord, help them to trust You to care for our Nation, to look to You for guidance, and to remember that nothing can separate us from Your love.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### SAFE COMMUNITIES, SAFE SCHOOLS ACT OF 2013—MOTION TO PROCEED

Mr. REID. I move to proceed to Calendar No. 32, S. 649.

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 32, S. 649, a bill to ensure that all individuals who

should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale, and for other purposes.

### SCHEDULE

Mr. REID. Mr. President, the time until 11:30 today will be equally divided between the majority and the minority. The Democrats will control the first 30 minutes and the Republicans the final 30 minutes. At 11:30 the Senate will proceed to executive session to consider the nomination of Patty Shwartz to be a circuit judge for the Third Circuit. At noon there will be a rollcall vote on her nomination. The Senate will then recess from 12:30 until 2:15 to allow for our weekly caucus meetings.

### CONGRATULATING THE LOUISVILLE CARDINALS

Mr. REID. Mr. President, I first wish to extend my congratulations to Senator McConnell and the Louisville Cardinals for their successful NCAA championship. It was remarkable how they were always coming from behind to wind up winning. They did it not with offense but with defense. I was very impressed with the team but most of all impressed with their coach Rick Pitino. Rick Pitino on yesterday was also selected, with Jerry Tarkanian, to be a member of the Basketball Hall of Fame, and certainly they deserve that—both of them.

In addition to congratulating my friend Senator McConnell, it is also important to recognize my deputy chief of staff Dave McCallum, who is a rabid Louisville fan. When I went down to participate in a program Senator McConnell set up, I took David McCallum with me. He loves those Louisville Cardinals, and today he has more reason to like them and tonight even more reason because in the championship game tonight we have the University of Connecticut playing the Louisville Cardinals for the women's championship. So I am very mindful of how strongly Senator McConnell feels about his Louisville Cardinals.

Mr. McCONNELL. Would my friend yield for an observation?

Mr. REID. Yes. I just wanted to say I won't get into the politics of sports in Kentucky because I don't understand them, but I know how much Senator McConnell cares about the Louisville Cardinals.

Mr. McCONNELL. Mr. President, I would say to my good friend from Nevada that one of the things we enjoy talking about is sports, and he is a big UNLV fan as well. I would like to report to my friend through the Chair that it was a fun evening. It was absolutely exciting to be there. I was also grateful to the majority leader for coming down to the University of Louisville a few years ago. I was glad I had a chance to be there and to see it in person.

Basketball in a football facility is a little odd. There were 75,000 people there. I am not sure many people up at the top even saw the players. But we were a little closer to the floor, and it was a wonderful experience.

I thank the majority leader for his comments.

### JERRY TARKANIAN

Mr. REID. Mr. President, I mentioned the Basketball Hall of Fame. Jerry Tarkanian made it into the hall of fame—20 years too late, but he made it. Why didn't he get in earlier? Because this courageous man took on the NCAA, which has absolute control over college athletes. I hope that as the years go by, we as a Congress will take a look at that more closely.

But I don't want to move away from the important day it is in Jerry Tarkanian's life. Jerry is now over 80. He doesn't get around like he used to, and he doesn't chew on the towels like he is famous for. Here is a man who was held out of the hall of fame for far too long. This man won 990 games as a coach. He had more than an 80-percent winning record. He is a very fine man with a good family. His wife is a member of the Las Vegas City Council. He

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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brought such excitement to Las Vegas. He coached the Runnin' Rebels into four final fours, won the championship once, and but for some politics within the university system, he would probably still be coaching there. Some things came up so that he no longer was able to coach at UNLV. But I admire him as a person and certainly send my congratulations to all of those Runnin' Rebel fans today because we have something to celebrate.

Finally, he took on the NCAA and won. He won a large money judgment against them as a result of how they treated him—it was so unfair—him and his players. People throughout the State of Nevada who played for him and who are now successful businesspeople—they are teaching professionals around the State, they are doing all kinds of good things in the State and around the country because of Jerry Tarkanian and the team he had and mainly his wife. She was so good with those young men who came to UNLV. She was, among other things, a speech therapist. She understood these young men, and they cared about her as much as they did about Jerry.

#### GUN CONTROL

Mr. President, as do most Americans, I believe the second amendment guarantees the right to bear arms. As a young boy—12 years old—on my birthday I got a gun, but it wasn't some little pea shooter, it was a blunderbuss, a 12 gauge shotgun, bolt action. Boy, that is a big gun. I still have it. I have had it reblued. I had the stock reworked. It is a beautiful gun. My parents sent away through the Sears catalog for that present for me. That gun was a real extravagance for them. It cost \$28, but, oh, did I have fun with that great big gun that was bigger than I, and it kicked so much then, but I could handle it. I didn't get to shoot it a lot because shotgun shells were expensive.

So, like most Americans, I also believe the right to bear arms must be balanced with the rights of all little boys and girls in this country, whether they live in inner-city Chicago or sleepy Newtown, CT, to grow up safe from the threat of gun violence. Most gun owners are good. The vast majority of gun owners are good, responsible people who love target shooting and hunting and want to protect their homes and their families. But we have a responsibility to do everything in our power to keep guns out of the hands of convicted criminals and those who suffer from mental illnesses that make them a danger to themselves and to others. We understand that now more than ever with the terrible slaughters in Aurora, CO, and Newtown, CT. We have a responsibility as a body to safeguard the most vulnerable and our most precious resource—the kids, our children, our babies.

The terrible tragedy at Newtown was a wake-up call. We are really failing, and we need to do more. Newtown will always remember those little boys and

girls, some of them shot multiple times, little children—5-year-old kids, 6-year-old children.

These are just names to us, but to the people of Newtown, Olivia isn't just a name; Olivia is a little girl who had a family who loved her. Newtown is a little town, relatively speaking. They know Jack. We have a responsibility to safeguard these little kids, and unless we do something, more than what is the law today, we have failed.

It is long past time for a thoughtful examination of the lax laws and culture of violence that put Newtown and Aurora, Oak Creek and Carson City, NV, on the map for such a devastating reason. I only hope my Republican colleagues will allow us to have that conversation. I hope Republicans will stop trying to shut down debate and start engaging on the tough issues we were sent to Washington to tackle.

There has been a huge cry in this body—for 2 years plus the months of this Congress—of people saying: Let's have regular order. Let's have amendments. So I was relatively kind of stunned when I got a letter during our break from 13 Republican Senators. They are the same Senators who yell and scream the most about regular order and amendments, but in this letter to me—short, direct, and to the point—they say: You are going to have no ability to go to the gun legislation because we are going to stop it. We don't think there should be a discussion or debate on guns.

Now, how would I describe these 13 Senators who sent me this letter? I want to do this respectfully because they have a right to their opinions even if they are illogical and even if they are speaking out of both sides of their mouths. What does that mean, speaking out of both sides of their mouths? It is very succinct what it means. It means—and it is described as a verb, looking it up on the Internet—to say different things to different people about the same subject. That is what they have done. They have been yelling and screaming: We want regular order.

The other night when we were doing the budget that went on until 5 o'clock in the morning, one of the Senators who signed this letter stood and said: We want to offer all the amendments we want to offer. No one has the right to stop us from offering amendments. So that is what we did. But today he feels differently. Today he is speaking out of both sides of his mouth, saying different things to different people on the same subject.

A former Republican Congressman from Florida is now a talk show host, and he is very popular. He has a program called "Morning Joe." Here is what "Morning Joe" is reported as having said: Scarborough tears into GOP filibuster on gun bill and says, "Is anybody awake in my party?" Here is what he said:

With 92 percent of Americans supporting background checks, Scarborough noted, it is

really hard to figure out what the political calculation is. It is a 90-10 issue that involves the massacre of 20 children. Is anybody awake in my party on the Hill?

That is what former Congressman Joe Scarborough said.

As President Obama has said, it is impossible to prevent every senseless tragedy, but we owe it to our children to at least try.

It is only common sense that felons who couldn't pass a background check in a gun store should not be able to walk into a gun show and buy a deadly weapon.

This is not hyperbole. Forty percent of the guns sold in the United States each year—including many used to commit crimes—are sold legally at gun shows or through private sales without even the most basic background check.

Three years ago, one of those guns—a shotgun purchased legally without a background check during a 2008 gun show in Kingman, AZ; about 90 miles from Las Vegas—was used to devastate the largest courthouse we have in Nevada, the brandnew Lloyd D. George Federal Courthouse in Las Vegas. It happened just as prospective jurors were arriving for the day.

This man walked in and started shooting. He blasted at every place that only a gunshot can do. He killed Stanley Cooper of Sandy Valley, who was a security guard. He was killed instantly in this hail of buckshot going around the courthouse. He ran after his gun became empty to reload, and he was eventually killed; that is, the man who caused all this carnage.

But Stanley Cooper, this good man who was there, left behind a brother, four sons, a daughter, seven grandchildren, and two great-grandchildren. He loved to spend time with his grandchildren and great-grandchildren. He loved horses and spending time outdoors. That is why he lived in Sandy Valley.

He was no stranger to guns. He spent 26 years serving his community as a Las Vegas Metropolitan Police Department officer. The man who shot him, on the other hand, was a convicted felon with no right to carry a firearm. He certainly could not have passed a criminal background check. But the shooter never had to get one. He just went to one of these gun shows and bought this shotgun—the same basic shotgun I got when I was a 12-year-old.

Requiring a simple background check every time a gun is sold is common sense.

As a brandnew member of the Nevada State legislature, I was a kid, but Sheriff Lamb, who was the sheriff of Clark County at the time—and now they have a TV program running; Dennis Quaid is playing Ralph Lamb—he came to me and said: I need to do something because we need people to wait a little while before they purchase a handgun.

I went to the legislature not understanding the process totally, but I introduced legislation that passed and became the law, that in Nevada if

someone purchases a handgun, they have to wait 3 days to pick it up. It is believed that alone has saved the lives of many people. Sometimes people, in a fit of passion, will purchase a handgun to do bad things with it—even as my dad did—kill themselves. Waiting a few days helps.

Requiring a simple background check every time a gun is sold is common sense. We are not asking for a 3-day waiting period. We have technology now. That does not take that long. But it is common sense. That is why more than 90 percent of Americans—including the vast majority of gun owners, the majority of people who belong to the NRA—support our proposal to keep guns out of the hands of criminals and those with mental illnesses. That is what a universal background check is all about.

This legislation would also crack down on anyone who buys a gun as part of a scheme to funnel it to criminals—reducing violent crime and protecting police officers. The three things that are in the bill that is now before this body all were reported out of the Judiciary Committee, led by PAT LEAHY. If anyone thinks that PAT LEAHY is a wimp on guns, they have another thought coming. He is from the State of Vermont. He boasts about a gun he has. He has a .50 caliber gun. I do not know why he wants one, but he has one. He is a man who loves to shoot his guns. So this bill is reported out of the Judiciary Committee, led by one of the people who knows as much about guns as many people in this body—and more, I should say.

This bill that came out of that committee gives schools across the country the resources to improve security and keep kids safe. It is called school safety. It has Federal trafficking in it.

This legislation will not prevent every crime, especially those awful crimes, and background checks will not keep guns out of the hands of every violent madman, and we all know that. But we owe it to the American people to act as if there is a chance to save even one life—whether that life belongs to a great-grandfather such as Stanley Cooper or these babies who barely began to live in Newtown, CT.

They deserve a vote.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. COWAN). The Republican leader is recognized.

CONGRATULATING THE LOUISVILLE CARDINALS

Mr. McCONNELL. Mr. President, I am going to take another opportunity to congratulate the Louisville Cardinals for an incredible championship win last night. It was a truly exciting game. I know my colleagues from Michigan take great pride in the fact that not just one but two of their schools were in the Sweet 16.

But you know we Americans love a story about somebody getting knocked down and picking themselves up again. That is why it was such a great moment to see Kevin Ware cut the net

last night. They had to lower the rim a bit, as I am sure it is difficult to climb a ladder with a cast on your right leg, but let me just say to him and to the entire University of Louisville, my undergraduate alma mater: Well done. You have truly made our State proud.

REMEMBERING MARGARET THATCHER

Today, Mr. President, I plan to talk about the President's budget, but first I also wish to say a word about Margaret Thatcher.

Margaret Thatcher was one of the most transformative political figures of the 20th century. She was a revolutionary, a tireless tribune for what she called "popular capitalism"—her "crusade to enfranchise the many." Thatcher's methods were razor-sharp wit and the force of her will, which had toughened through decades of literally plowing through obstacles.

A woman of humble beginnings, she charged headfirst against a cross-partisan ruling class that had become calcified in office, an elite clique that had grown impotent in the face of the sort of postwar economic challenges that have long since drained the vitality from Western democracies that never had a leader like her.

The starched dukes and faceless union men who traditionally alternated the reins of British power sneered at "that woman," as they called her—the "grocer's daughter" who knew nothing of their ways, whose middle-class instincts were unsuited to the business of governing. Yet she outmaneuvered them all.

When Margaret Thatcher finally wrested the keys of office from those who had made peace with Britain's decline in a way she never could and never would, she set in motion a whirlwind of reforms.

None of those were easy. The vested interests opposed her every move. But in the teeth of fierce opposition, she ignited what could best be described as a political and economic earthquake—one with a tide of global reverberations.

The kind of policies and ideas she inspired saw dictatorships and entrenched bureaucracies come crashing down, grinding poverty lose its grip, and the fossils of socialism recede into the surf. In the wake of this wave of reform stood freer people with a greater say over their own lives and a greater hope for the future.

That is Margaret Thatcher's legacy. In some ways, the parallels to our own day are hard to escape.

When Margaret Thatcher took office, Britain was gripped by wrenching economic turmoil—turmoil of a somewhat different kind than, but not entirely dissimilar to, our own. But through unbending confidence in the power of free markets and in the power of free people to order their lives more intelligently than centralized elites, she literally turned the tide.

So we mourn her passing, but we still have much to learn from her courage and example. Because in the years

ahead, we will need to draw from it as conservatives look to turn the tide in the United States and to set about a renewal of our own.

THE PRESIDENT'S BUDGET

Tomorrow the President is set to unveil his budget—the details of his plan for America's future. Is it going to be a visionary blueprint that focuses on growing the economy instead of the government, a budget that can help, rather than continue to hurt, job creation? Is it going to be a budget that balances 10 years from now, 20 years from now, ever? Is it going to be a reformist document that makes bold choices? Will he finally drop the tax hike fanaticism that is, frankly, starting to enter the realm of the absurd?

From what we have heard so far, the prospects do not look all that great. We hear that, just like the Senate Democratic budget, it will never balance—ever. We hear it contains only about \$600 billion or less in deficit savings over 10 years, which is roughly the level of the deficit in the first 6 months of this fiscal year. We hear it contains new spending proposals and does little to address the drivers of our debt. We hear it contains tax hike upon tax hike upon tax hike—and, in fact, all the deficit reduction I just mentioned would be derived from myriad tax increases rather than spending reductions.

So apart from reports of a modest entitlement change—and we will need to see the details on that—it sounds as if the White House just tossed last year's budget in the microwave.

Look, this budget is already 2 months late, so I sincerely hope it is not the case that it is just a warmed-over version of last year. Because if it is, what a colossal waste of time and what a disappointment. The American people deserve a lot better than that.

In a statement released yesterday, President Obama said Margaret Thatcher taught us that "we are not simply carried along by the currents of history . . . [that] we can shape them with moral conviction, unyielding courage and iron will."

What I am saying this morning is that this is your moment to do just that, Mr. President—your moment.

Lady Thatcher did not save her country from the abyss by taking half-measures or tiptoeing around special interest groups. She pushed through groundbreaking reform after groundbreaking reform, usually under heavy fire from all sides, and often over the objections of powerful leaders in her own party and Cabinet.

Had she governed by opinion poll, I am sure she would have been a lot more popular while in office, and Britain would have never recovered from the abysmal state in which she found it.

So, Mr. President, if you are ready to embrace bold reform, to take the steps that are needed to make our entitlement programs permanently solvent

and grow the economy, then Republicans are ready to work with you because the time for pretending America's challenges can be solved with more of the same is over—over. The time has come to summon the political courage to move beyond the status quo, to put the tax hikes and the poll-tested gimmicks aside, and to do finally what must be done.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

Under the previous order, the time until 11:30 a.m. will be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the majority controlling the first 30 minutes and the Republicans controlling the second 30 minutes.

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### NOMINATION OF PATTY SHWARTZ TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Patty Shwartz, of New Jersey, to be United States Circuit Judge for the Third Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, last month Senate Republicans filibustered the nomination of Caitlin Halligan to fill a vacancy on the D.C. Circuit that arose when Chief Justice Roberts left the D.C. Circuit to join the Supreme Court 8 years ago. Caitlin Halligan is a woman who is extraordinarily well-qualified and amongst the most qualified judicial nominees I have seen from any administration. It is a shame that narrow special interests hold such influence that Senate Republicans blocked an up-or-down vote on her confirmation with multiple filibusters of her nomination and procedural objections that required her to be nominated five times over the last 3 years.

Had she received an up-or-down vote, I am certain she would have been confirmed and been an outstanding judge on the United States Court of Appeals for the District of Columbia. Instead,

all Senate Republicans but one supported the filibuster and refused to vote up or down on this highly-qualified woman to fill a needed judgeship on the D.C. Circuit. Senate Republicans attacked her for legal advocacy on behalf of her client, the State of New York. It is wrong to attribute the legal positions a lawyer takes when advocating for a client with what that person would do as an impartial judge. That is not the American tradition. That is not what Republicans insisted was the standard for nominees of Republican Presidents but that is what they did to derail the nomination of Caitlin Halligan.

Also disconcerting were the comments by Republicans after their filibuster in which they gloated about payback. That, too, is wrong. It does our Nation and our Federal judiciary no good when they place their desire to engage in partisan tit-for-tat over the needs of the American people. I rejected that approach while moving to confirm 100 of President Bush's judicial nominees in just 17 months in 2001 and 2002.

The filibuster of the nomination of Miguel Estrada was different. It was to obtain access to information about his work and whether he acted ideologically as his supervisor at the Office of Solicitor General had alleged. Had we gotten access to those materials, there would have been a vote on the Estrada nomination. Republican Senators now demand access to all sorts of materials while filibustering for the first time in our history the Secretary of Defense and the Deputy Attorney General of the United States, as well as the nominee to head the CIA and judicial nominees. They cannot do that and still complain about the Estrada nomination.

Now that Senate Republicans have during the last 4 years filibustered more of President Obama's moderate judicial nominees than were filibustered during President Bush's entire 8 years—67 percent more, in fact—I urge them to abandon their misjudged efforts that sacrifice outstanding judges for purposes of partisan payback.

Today the Senate will finally consider another circuit court nomination that has been delayed for no good reason. The nomination of Judge Patty Shwartz of New Jersey to the Third Circuit has been needlessly stalled for 13 months since being favorably reported by the Judiciary Committee. This is another of the many judicial nominees who could have been confirmed last year. She is another qualified nominee who is supported by her home state Senators and by the Republican Governor of New Jersey. After this prolonged and unnecessary delay, I am pleased that she will finally be allowed to join the Third Circuit to serve the people of New Jersey, Pennsylvania, Delaware, and the Virgin Islands.

In 10 years as a United States Magistrate Judge in the District of New

Jersey, Judge Shwartz has handled more than 4,000 civil and criminal cases and presided over 14 cases that have gone to verdict or final judgment, including 11 jury trials. Before becoming a judge, Judge Shwartz spent 14 years as an assistant U.S. attorney in the District of New Jersey, where she ultimately rose to become chief of the Criminal Division. During her time as an assistant U.S. attorney, Judge Shwartz tried more than 15 jury cases to verdict, all as sole or chief counsel. It was while serving in the U.S. attorneys Office that Chris Christie, then U.S. attorney and current Governor of New Jersey, became acquainted with her and her work.

Governor Christie has written to the committee in support of Judge Shwartz's nomination. He said that she "was an impressive Criminal Chief; hard working, bright, articulate, great with people and conversant with the law." He added: "As a Magistrate Judge, she also performed admirably and garnered the respect of the entire legal community. Again, her hard work, amiable personality, patience, intelligence, and knowledge of the law were lauded by all who appeared before her." I ask unanimous consent that his full letter be printed in the RECORD at the conclusion of my statement.

The American Bar Association Standing Committee on the Federal Judiciary has rated Judge Shwartz unanimously well qualified, the highest possible rating from its nonpartisan peer review. She has the support of Senator LAUTENBERG and Senator MENENDEZ.

By any objective measure, Judge Shwartz is a nominee with solid legal credentials and qualifications. Rather than evaluating her on her record, some have tried to claim there is an issue because Senator MENENDEZ met with her before supporting her. They infer, despite denials by the nominee and Senator MENENDEZ, that she must have made him some untoward commitment on how she would rule on some matter. There is no basis for that claim.

It is past time for the Senate to consider her nomination on the merits of her record and to confirm her. Her nomination has been stalled on the Senate floor for 13 months. This is just one example of the unnecessary delays that prompted a New York Times editorial about the delays in filling judicial vacancies. I ask unanimous consent that a copy of that editorial be printed in the RECORD at the conclusion of my statement.

Judged on her qualifications and her record, Judge Patty Shwartz should be confirmed by an overwhelming bipartisan vote. She should not have been delayed for more than a year. Sadly, this is not an isolated case but one in a steady pattern of obstruction. This is especially harmful at a time when judicial vacancies remain above 80. Filibusters and delays based on fictions do not help Americans seeking justice in our

Federal courts. Instead, they cause delays, overcrowded dockets, overburdened courts and have gone on too long.

When confirmed, Judge Shwartz will be one of just three women serving as active judges on the Third Circuit. It is time to move forward in a bipartisan fashion to vote to confirm this qualified nominee so that she may better serve the American people as a member of the United States Court of Appeals for the Third Circuit.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF NEW JERSEY,  
OFFICE OF THE GOVERNOR,  
Trenton, NJ, February 11, 2013.

Senator CHUCK GRASSLEY,  
Hart Senate Office Building,  
Washington, DC.  
Senator Patrick Leahy,  
Russell Senate Building,  
Washington, DC.

DEAR SENATORS: I write in support of Magistrate Judge Patty Shwartz' nomination to be a Judge on the Third Circuit Court of Appeals. When I became the United States Attorney in the District of New Jersey in 2001, Judge Shwartz was the Chief of the Criminal Division, a very important and taxing job in a large prosecuting office. Judge Shwartz was an impressive Criminal Chief; hard working, bright, articulate, great with people and conversant with the law. She remained my Criminal Chief until she became a Magistrate Judge.

As a Magistrate Judge, she also performed admirably and garnered the respect of the entire legal community. Again, her hard work, amiable personality, patience, intelligence and knowledge of the law were lauded by all who appeared before her. I am sure that if she were elevated to sit on the Third Circuit Court of Appeals she would prove an excellent judge for all of the same reasons she was an excellent prosecutor and Magistrate Judge. She has my full support for the position for which I believe she is well suited.

If you have any questions, please feel free to contact me.

Very truly yours,

CHRIS CHRISTIE,  
Governor.

[From the New York Times]  
COURTS WITHOUT JUDGES  
(By the Editorial Board)

The number of vacancies on the nation's federal courts has reached an astonishingly high level, creating a serious shortage of judges and undermining the ability of the nation's court system to bestow justice.

Of 856 federal district and circuit court seats, 85 are unfilled—a 10 percent vacancy rate and nearly double the rate at this point in the presidency of George W. Bush. More than a third of the vacancies have been declared “judicial emergencies” based on court workloads and the length of time the seats have been empty. By far the most important cause of this unfortunate state of affairs is the determination of Senate Republicans, for reasons of politics, ideology and spite, to confirm as few of President Obama's judicial choices as possible.

Numbers compiled by the Senate Judiciary Committee tell the story. Mr. Obama's nominees for seats on federal courts of appeal, the system's top tier below the Supreme Court, have waited an average of 148 days for their confirmation vote following the committee's approval, more than four times longer than

Mr. Bush's nominees. For Mr. Obama's nominees to federal district courts, the average wait time has been 102 days, compared with 35 days for Mr. Bush's district court choices.

The prestigious and important United States Court of Appeals for the District of Columbia Circuit offers a particularly striking example of Republican obstructionism. The 11-seat court rules on most appeals from federal regulatory agencies and has exclusive jurisdiction over national security matters. It has four vacancies; the last time the Senate confirmed someone to the court was 2006.

Mr. Bush appointed four judges to the court, a feeder to the Supreme Court, but whether the Senate will allow Mr. Obama to appoint any remains to be seen. Mr. Obama's first nominee for the court, Caitlin Halligan, withdrew from consideration last month after Senate Republicans filibustered for a second time. Those critics echoed the National Rifle Association's ridiculous portrayal of her as a legal activist outside the mainstream because she had filed a brief in opposition to the gun industry when she was New York State's solicitor general.

The real reason, as everyone knows, was to prevent Mr. Obama from adding balance to a generally conservative court. He may fare better with his latest nominee, Sri Srinivasan, a lawyer whose background working in the United States solicitor general's office under both President Bush and President Obama should help his chances.

Nominees for other important government posts have also been held up for partisan reasons. Some Republicans say this is simply payback for the Democrats' filibustering of Bush nominees. But while neither party should be in the business of obstructing judicial nominees, unless they are unqualified or unacceptably extreme, a retaliatory response based on politics hurts all who rely on courts to protect their rights and uphold the law.

It is also worth noting that Mr. Obama has not been putting forth candidates with strong ideological profiles. His nominees are decidedly moderate, which was not always true of the Bush judicial choices that the Democrats felt compelled to filibuster.

Mr. Obama could help reduce the problem by speeding up his nominations. The White House appears to have sharpened its focus since the election, but currently, 62 district and circuit court vacancies have no nominees.

The Halligan filibuster got some Democratic senators talking about a bolder strategy, including revisiting filibuster reform and making it harder for senators to torpedo or delay nominations to judicial vacancies in their home states. Another proposal is to have Mr. Obama make simultaneous nominations to fill the four vacancies on the District of Columbia Circuit, which would force Republicans to come up with plausible reasons to oppose each of them. In the face of political paralysis, these ideas are worth embracing.

MR. LEAHY. Mr. President, I see the distinguished Senator from Iowa, and I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

MR. GRASSLEY. Mr. President, today the Senate will consider the 10th judicial nomination this year. With today's expected action, we will have confirmed four circuit and six district nominees. At this point in 2005—and that was the beginning of President Bush's second term, comparable to what we are talking about for President Obama—the Senate had confirmed zero judicial nominees. Let me repeat

that. At this point in 2005, the Senate had confirmed not 10, not 4, not even 1 judicial nominee, so that comes out to be zero.

The quick pace of this year comes on top of a very productive 112th Congress in which 111 judges were confirmed. In the last Congress, we confirmed more judges than any other Congress—going back 20 years to the 103rd Congress.

Despite this progress and our continued cooperation with the President and Senate Democrats, we continue to hear unfounded criticism.

For example, last week the White House spokesperson criticized the Senate for what he characterized as arbitrary and unique delays in getting nominees confirmed. In a previous post on its website, the White House complained about unprecedented delays in the Senate confirmation process.

While acknowledging the Senate had confirmed nine judicial nominees this year, the White House noted that “these nine judges waited 144 days for a floor vote, compared to President Bush's nominees who waited an average of 34 days for a vote at this point in President Bush's presidency.”

As I stated, at the same point in 2005, none of President Bush's nominees had been confirmed—not one.

The purported statistic of the “average of 34 days” is without foundation. It took until June for President Bush to reach 10 judicial confirmations. President Bush wouldn't have another lower court nomination until October of that year.

But that delay in confirmations wasn't because there weren't nominees. By the beginning of April 2005, 21 judicial nominations had been submitted to the Senate.

President Bush's first four confirmations came in April 2005. The first two of those nominees were nominated in September 2004 and confirmed about 6 months later.

The other two nominees waited much longer. Robert Conrad was first nominated April 28, 2003 to the Western District of North Carolina.

He was confirmed a full 2 years later on April 28, 2005—not 34 days, as the White House implies.

His colleague, James C. Dever III, nominated for the Eastern District of North Carolina, waited even longer. He was first nominated in May 2002 and waited nearly 3 years before being confirmed on April 28, 2005.

So this notion of unprecedented, unique and arbitrary delays simply ignores the facts and, in the process, distorts history.

In addition to the White House, we hear Senate Democrats grumbling about nominations and calls for changing the rules of the Senate. Of course, the majority would have to break the rules to change the rules.

Such intemperate comments utterly fail to recognize the work the Senate has already accomplished in approving judges.

The purported justification is the number of judges on the calendar—

presently at 15. Where was their similar concern in April 2004, when the number of nominees on the Executive Calendar was nearly double what it is today?

A second prong of this debate concerns the vacancy rate in the Federal judiciary. Blaming judicial vacancies on the Senate confirmation process is unfounded and a distortion of the process. The vacancy rate is due to the failure in the White House to send nominations to the Senate.

Presently, 62 of the 87 vacancies—71 percent—have no nominee. For the 35 vacancies categorized as “judicial emergencies,” only 9 have a nominee—74 percent have no nominee.

I would like to say a few words about today’s nominee. I do have concerns about this nomination which have not been satisfied.

Unfortunately, I am unable to support the nomination, although I expect Judge Schwartz will be approved as a United States Circuit Judge for the Third Circuit. I congratulate her on her confirmation and hope that she performs her duties in a skilled manner, demonstrating judicial temperament, with respect for the law and Constitution.

This nomination started out troubled. Not because of Republican opposition, but because of concerns expressed by her home State Democratic Senator.

Originally, Judge Schwartz’s home State Senator questioned her intellectual fitness for the court stating she “did not adequately demonstrate the breadth of knowledge of constitutional law and pivotal Supreme Court decisions.”

Concerns were also expressed that she “misapplied the application of strict scrutiny versus rational basis review” and “did not express substantive knowledge as to the scope of the rights of corporations under the Constitution or jurisprudence on the constitutional limits of Executive Branch powers.” According to press reports, she specifically misapplied the law after speaking about *Citizens United*.

These are pretty serious issues. So, Judge Schwartz was asked about them during her hearing, specifically the discussion on *Citizens United*. But she denied it happened, testifying instead that she did not discuss any specific cases, only general principles.

However, in follow-up written questions for the record, Judge Schwartz changed her story and said that she and her home State Senator had discussed two specific cases: *Citizens United* and *Roe v. Wade*.

I find this after-the-fact disclosure troubling. Not only was it inconsistent with her hearing testimony, but it prevented me and other Senators from following up regarding what discussions she apparently had regarding *Citizens United* and *Roe v. Wade*.

Because of the ambiguity surrounding these interviews and Judge Schwartz’s inconsistent testimony,

questions remain as to what understandings were reached or what assurances Judge Schwartz may have given to gain support from her home State Senators.

Unfortunately, her Committee hearing failed to remove the doubts that were initially raised. Again, these were raised by her home State Senator.

Furthermore, because of her lack of candor at her hearing, I was unable to come to a determination that she is prepared to be a Circuit Judge. I share the doubts raised regarding her limited knowledge of constitutional law; misapplication of standards of review; and inadequate understanding of substantive areas of laws.

Accordingly, I cannot support this nomination. I ask unanimous consent to have printed in the RECORD her biographical information.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Patty Schwartz is nominated to be United States Circuit Judge for the Third Circuit. Judge Schwartz received a B.A. from Rutgers in 1983 and a J.D. from the University of Pennsylvania Law School in 1986. Upon graduation, Judge Schwartz worked for a year as an associate with the law firm of Pepper, Hamilton & Scheetz. In 1987, Judge Schwartz began a two-year clerkship with Judge Harold A. Ackerman of the U.S. District Court of the District of New Jersey.

Immediately after her clerkship, she began a fourteen-year career as a criminal prosecutor with the U.S. Attorney’s Office for the District of New Jersey. During her time as an Assistant U.S. Attorney, she prosecuted individuals for violent crime, drug trafficking, and white collar cases. After several years, she was assigned to the Special Prosecutions Division, handling public corruption cases. A short time later, Judge Schwartz was promoted to Deputy Chief of the Criminal Division where she supervised dozens of line prosecutors. In February of 1999, she was promoted to Chief of the Criminal Division, which she held until 2001.

In 2001, she began a brief stint as Executive Assistant U.S. Attorney, supervising the Criminal, Civil, and Fraud Divisions. In 2002, she returned to serve as Chief of the Criminal Division, overseeing the expansion and reorganization of the division. According to her questionnaire, Judge Schwartz has tried more than fifteen criminal cases to verdict.

In 2003, Judge Schwartz was appointed to be U.S. Magistrate Judge for the District of New Jersey. As Magistrate Judge, she has managed all aspects of the pre-trial process in over 4,000 cases. She is responsible for convening scheduling conferences, resolving discovery disputes, ruling on nondispositive motions, holding settlement conferences, and presiding over final pretrial conferences.

As Magistrate, Judge Schwartz has presided over “in whole or in part” more than 70 civil cases by consent of the parties. She has presided over eleven jury trials (ten civil cases and one criminal case) and twenty-two bench trials (three civil cases and nineteen criminal cases) from start to finish.

The American Bar Association’s Standing Committee on the Federal Judiciary gave her a unanimous “Well Qualified” rating.

Mr. GRASSLEY. I yield the floor.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for up to 6 minutes.

The PRESIDING OFFICER. Without objection. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I am pleased to rise in support of the confirmation of Judge Patty Schwartz to the Third Circuit Court of Appeals, a nomination which has finally come to the floor, and the time has come to confirm Judge Schwartz. I express my full support and urge my colleagues to do the same. I am happy we were able to work out the vote on this nominee without a cloture vote, which is incredibly important.

I want to refer to my distinguished colleague, the ranking member of the Judiciary Committee, who mentioned a home State Senator—who happens to be me—and to clarify some issues.

I have always taken the role of advice and consent for judicial nominations very seriously, as I am sure we all do. Appointments to the Federal bench are lifetime appointments, and the circuit court is often the last stop before the U.S. Supreme Court. That makes that responsibility even greater. Very few Americans, if they appeal, get past the circuit court to Supreme Court consideration.

We know the process can be long and difficult; sometimes overly partisan on both sides based on legitimate concerns and personal beliefs. In the end we always look to confirm the best and most qualified individuals. We conduct a thorough review of the nominees, their understanding of the law, their intellect, their analytical thinking and reasoning, and we make our decisions—and I have made mine—about the nominee.

I had the opportunity on more than one occasion to discuss with the judge issues that I believe reflect the high standards to which a nominee should always be held. There is no understanding between this nominee and me as to how she would rule in any given set of circumstances. There was a suggestion about what the law is today in both those instances. I am sure the judge simply did not recall the specifics of that at the time of the hearing but was forthright in coming back and saying: Yes, there were two cases. The simple discussion of what is a Supreme Court decision is, in my mind, not only appropriate, but at a circuit court level is more than desirable.

In the totality of our discussions Judge Schwartz indicated to me the type of intellectual rigor, the knowledge that in fact guarantees to me that she deserves the lifetime appointment to which I expect the Senate will confirm her. The fact that I come to the floor today in full support of her confirmation speaks not only to her qualifications but to her character and to her judicial temperament and suitability to serve on the Third Circuit Court of Appeals.

Aristotle said: “Character may be called the most effective means of persuasion.”

I can say that, having spent time meeting with Judge Schwartz, I am absolutely persuaded that she is a person of character and meets the highest standards for any nominee.



I urge my colleagues to unanimously confirm this highly qualified woman who, I know, will serve honorably and serve well.

Judge Patty Shwartz is a proud New Jerseyan. She has been a magistrate judge for the District of New Jersey since 2003.

Originally from Paterson, she graduated from Rutgers as a Henry Rutgers Scholar with the highest honors.

After college, Judge Shwartz went to the University of Pennsylvania Law School, edited the law review, and was named Outstanding Woman Law Graduate.

She has been an associate in Philadelphia at Pepper, Hamilton & Scheetz, clerked for the Honorable Harold A. Ackerman of the District Court for the District of New Jersey, and, in 1989 joined the U.S. Attorney's Office for the District of New Jersey.

She rose to the position of deputy chief of the criminal division and then to chief of the criminal division serving as the Executive Assistant United States Attorney.

She has handled over 4,000 civil and criminal cases, and, since 2009, she has been an adjunct professor at Fordham University School of Law.

She is on the advisory board for the Association of the Federal Bar of the State of New Jersey, the Board of Advisors for the Historical Society of the U.S. District Court for the District of New Jersey, and the Board of Directors of the Federal Magistrate Judges Association, where she represents the Third Circuit.

She is clearly highly qualified—a woman of distinction who deserves confirmation.

If experience, character, and temperament are the most persuasive weapons in a judicial nominee's arsenal, then Judge Shwartz comes before this chamber very well-armed.

Let me say to my colleagues who may not have had the opportunity to look as closely at this nominee's record as I have, in making my judgment I have had the benefit of invaluable advice and counsel from many members of the Federal bar whose opinions I sought. They are both Democrats and Republicans, and they affirmed what I subsequently discovered for myself in discussions with her; that there is not a single reason to vote no on this nomination.

I urge my colleagues to send a message that although the process can be long and fraught with conflicting opinions, in the end it bends toward the best and brightest, and Judge Patty Shwartz is proof of it.

She has strong bipartisan support not only from both the Senators from New Jersey but also our Governor Chris Christie. I urge my colleagues to join me in voting to confirm Judge Patty Shwartz to the Third Circuit Court of Appeals.

I yield the floor.

Mr. LAUTENBERG. Mr. President, it is my great honor to once again ex-

press my strong support for the Senate confirmation of Magistrate Judge Patty Shwartz to the United States Third Circuit Court of Appeals.

It has been a long road, but it's great to finally reach this day. I began the process of recommending Judge Shwartz to President Obama almost 2 years ago, and since her first nomination by the President 18 months ago I have had the privilege of shepherding her candidacy through the Senate. During that time, I have worked with colleagues on both sides of the aisle to ensure she has bipartisan support. And earlier this year, I personally communicated with a number of my Republican colleagues to assure them of her qualifications for the position and sterling reputation in the legal community.

It hasn't been an easy or quick process by any means, but because her candidacy is so strong, and because so many people believe in her, we have reached this proud moment where we can confirm her, and without a filibuster.

Her confirmation is well-deserved, because putting Judge Patty Shwartz on the Federal bench will be a great service to our nation and our justice system. She brings 25 years of public service to the bench—years she spent as a teacher, an attorney, and a judge.

Judge Shwartz graduated from Rutgers University with the highest honors and received her law degree from the University of Pennsylvania Law School, where she was an editor of the Law Review and was named her class's Outstanding Woman Law Graduate.

Since 2003, Judge Shwartz has served as a U.S. Magistrate Judge in the District of New Jersey, where she has handled more than 4,000 civil and criminal cases. And within the New Jersey legal community, she has earned a solid reputation for dispensing justice fairly and wisely.

She will make an excellent addition to the Third Circuit Court of Appeals.

The opportunity to nominate Federal judges is a sacred duty. I have felt lucky to recommend many eminently qualified, impressive, and accomplished individuals.

Yet rarely have I seen such an outpouring of support for a single judicial candidate as I have with Judge Shwartz.

John Lacey, past President of the Association of the New Jersey Federal Bar, said Judge Shwartz is, "thoughtful, intelligent, and has an extraordinarily high level of common sense."

Thomas Curtin, the chairman of the lawyers' advisory committee for the U.S. District Court of New Jersey, said, "Every lawyer in the world will tell you that she's extraordinarily qualified, a decent person, and an excellent judge."

And seldom has someone had such a distinguished career working for—and earning the respect of—people on both sides of the aisle.

From 1989 to 2003, Judge Shwartz served in the U.S. Attorney's Office for

the District of New Jersey. In this role, she supervised hundreds of criminal cases, including cases concerning civil rights, violent crimes, drug trafficking, and fraud.

And in the U.S. Attorney's Office, she served under three Republican U.S. Attorneys: current Supreme Court Justice Samuel Alito; former Secretary of Homeland Security under George W. Bush, Michael Chertoff; and New Jersey's current Governor, Chris Christie.

Governor Christie has been especially outspoken in his praise of Judge Shwartz. He has said, "Judge Patty Shwartz has committed her entire professional life to public service, and New Jersey is the better for it."

That is his statement. Now, if Governor Christie and I agree on something so adamantly, you know it's right.

Judge Shwartz's roots in New Jersey run deep. Like me, she is a native of Paterson, NJ, where she learned the value of hard work from her parents, who owned and operated a store for more than 50 years.

And as anyone who has met or worked with Judge Shwartz can attest, she inherited every ounce of her parents' strong work ethic—and then some.

After years of hard work, today is a great and triumphant day. I look forward now to seeing Judge Patty Shwartz take her place on the Federal bench. I can say with certainty that our justice system—and the country—will be better for it.

Mr. GRASSLEY. I ask for the yeas and nays.

The PRESIDING OFFICER (Ms. HEITKAMP). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRASSLEY. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

The question is, Will the Senate advise and consent to the nomination of Patty Shwartz, of New Jersey, to be United States Circuit Judge for the Third Circuit?

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) is necessarily absent.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Florida (Mr. RUBIO).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 93 Ex.]

YEAS—64

Alexander	Bennet	Cardin
Ayotte	Blumenthal	Carper
Baldwin	Boxer	Casey
Baucus	Brown	Collins
Beigich	Cantwell	Coons

Cowan	King	Reed
Donnelly	Klobuchar	Reid
Durbin	Landrieu	Rockefeller
Feinstein	Leahy	Sanders
Fischer	Levin	Schatz
Franken	Manchin	Schumer
Gillibrand	McCain	Shaheen
Graham	McCaskill	Stabenow
Hagan	Menendez	Tester
Harkin	Merkley	Udall (CO)
Heinrich	Mikulski	Udall (NM)
Heitkamp	Murkowski	Warner
Hirono	Murphy	Warren
Isakson	Murray	Whitehouse
Johanns	Nelson	Wyden
Johnson (SD)	Portman	
Kaine	Pryor	

## NAYS—34

Barrasso	Enzi	Paul
Blunt	Flake	Risch
Boozman	Grassley	Roberts
Burr	Hatch	Scott
Chambliss	Heller	Sessions
Coats	Hoeven	Shelby
Coburn	Inhofe	Thune
Cochran	Johnson (WI)	Toomey
Corker	Kirk	Vitter
Cornyn	Lee	Wicker
Crapo	McConnell	
Cruz	Moran	

## NOT VOTING—2

Lautenberg	Rubio
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

## SAFE COMMUNITIES, SAFE SCHOOLS ACT OF 2013—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I ask unanimous consent to proceed as in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 677 are

located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROBERTS. I yield the floor.

The PRESIDING OFFICER. The Republican whip.

## STABBING AT LONE STAR COLLEGE

Mr. CORNYN. Madam President, I have a couple matters I wish to discuss, but before I get to that, we have been advised—through the news media—that there have been multiple victims who have been injured during a stabbing attack at the Lone Star College CyFair campus in Texas. One person has been taken into custody.

Unfortunately, this is the second time, in a short period of time, that the Lone Star College campus has been struck with acts of senseless violence, and I think it is appropriate to say here and now that our thoughts and prayers are with the victims and their families. We hope law enforcement does its typically good job and finds those responsible to make sure those who are responsible are prosecuted to the fullest extent of the law.

## BORDER SECURITY

Madam President, I wish to remind my colleagues that if they don't know where they are going, then they will probably never know when they get there. Stated another way: If you don't measure the size of a problem, you will never know how close or how far you are away from solving it. It seems like common sense. But since 2010, the Department of Homeland Security has used the metric or the measuring stick of operational control to determine how successful it is about detaining those who cross our southwestern border illegally. This is a matter of basic public safety since we know drug cartels, human traffickers, and other criminals regularly exploit this porous southwestern border in order to do their dastardly deeds.

For some reason, the Department of Homeland Security has dropped this metric or measuring stick of operational control altogether, and so far they have yet to replace it with some other measuring stick or some other way to determine how successful or unsuccessful they have been. It has literally been 3 years since the Department of Homeland Security has had a functional measurement of border security.

Again, this is about public safety. This is about deterring and stopping criminals and others who come across the border to deal in drugs or in human lives. During this same time period, the Government Accountability Office has reported that the Department of Homeland Security had achieved operational control—this was about 3 years ago—of less than 45 percent of the southwestern border.

The Los Angeles Times wrote a story recently that showed between October 2012 and January of 2013, the Department of Homeland Security failed to apprehend at least 50 percent of the people who attempted to cross the bor-

der without proper paperwork; in other words, illegal border crossers.

I think, by any measure, whether one is a Democrat or Republican, Independent, no matter what your political stripes, this is unacceptable, and we need to do better.

Earlier today, I introduced legislation that would require the Department of Homeland Security officials to verify how much operational security we actually have along our borders. The Border Security Results Act of 2013 would also require the Department of Homeland Security to develop a comprehensive strategy—something we have been missing for a long time—for achieving operational control of every single border sector.

My State has 1,200 miles of common border with Mexico. We know that much of the illegal activity does not even start in Mexico but comes up through Central America. People around the world know that if they can get to Central America and pay the human smugglers enough, they can make their way into the United States. Even though we have beefed up the Border Patrol, the Department of Homeland Security, and applied new detection techniques so our border is more secure than it was, last year alone 360,000 people were detained by coming across the southern border. If we believe the Los Angeles Times story, which I think rings true, at least twice that many people actually tried—half were detained, half made it across.

This bill would define operational control as a threshold in which U.S. authorities in a given sector are apprehending at least 90 percent of the people who are coming across, and it would require the Department of Homeland Security to gain full situational awareness through technology, boots on the ground, and results-based metrics.

Metrics is just a fancy word. It is a measuring stick. It is a yardstick. Not only do we need to talk about the numbers, we need to talk about the very human tragedy associated with these numbers and inadequate border security.

As I said, a porous United States-Mexican border also encourages drug and sex traffickers, including all sorts of criminals who prey on children, the weak, and the vulnerable. By gaining operational control of our borders, we can save lives and protect innocent human life.

We can also safeguard the basic property rights and civil rights of people who live along the border while we respect those who play by the rules and who are now trying to pursue their American dream as legal immigrants to the United States. This is not designed to deter people who want to play by the rules and who want to enter this country to work and provide for their family according to the law of the land and seek to achieve their American dream.



This is also not an alternative to fixing our broken immigration system, but it is complementary of the work being done of the so-called Gang of 8—four Republicans and four Democratic Senators—as well as House negotiators who are trying to work out just exactly what border security actually means, how to measure it, and how to know if the Department of Homeland Security is doing the job. Even as we debate the larger issue of Homeland Security, everyone, Democrat and Republican alike, believes this is an essential component of a comprehensive bill.

In short, we should be doing everything possible to encourage the type of legal immigration that benefits our economy and our broader society while discouraging and deterring illegal entry into the country, which unfortunately, is being exploited by drug cartels, human traffickers, and other criminals.

The United States-Mexico relationship is about far more than just immigration security. This is not limited to just Mexico. This is very important. Mexico is our third largest trading partner. There are 6 million jobs in America that depend on cross-border traffic and trade with the country of Mexico. By the way, their economy is growing at a much faster rate than ours. It is something we can look at and be envious of and hopefully we can ultimately emulate.

The health and success of Mexico's economy is important to the economy of the United States for the reason I just mentioned. There are now millions of jobs which depend on trade with our southern neighbor, including hundreds of thousands of jobs in my State of Texas alone. Unfortunately, our land ports of entry along the United States-Mexican border have not kept pace with the rapid expansion of bilateral economic ties, and they are suffering from both inadequate infrastructure and inadequate staffing. Wait times at the border for people who are playing by the rules and trying to enter the country legally have grown unacceptably long.

The Border Security Results Act would help mitigate this problem by requiring the Department of Homeland Security to devise a plan to reduce the wait times by at least 50 percent. I might add, when we think about security and the economy, these go hand in glove because the very same people who are working to provide security from illegal entry are the very same ones often facilitating legitimate trade and commerce. By reducing wait times at the United States-Mexican border, we would facilitate greater bilateral trade and faster job creation on both sides of the Rio Grande River. That is just one additional reason that the Border Security Results Act deserves to become law as soon as possible.

Again, on this point, this is entirely complementary of the work and negotiations that are taking place now in the Senate among the Gang of 8, who

will report to us any day now on their framework and how they think we ought to move forward on the immigration issue. But until we regain the public's confidence that the Federal Government is doing its job at this international border in terms of legitimate trade, deterring common criminals, and drug and human traffickers, then I doubt our chances for success on the larger issue are very good.

#### PRESIDENT OBAMA'S BUDGET

Before I conclude, I wish to say a few words about President Obama's budget request. As we all know, the due date for the President's budget was February 4. One might say: February 4 has long passed. That is correct. It was the day after the Super Bowl. But here we are 2 months later, and the President has defied the requirements of the law which says the President must submit his proposed budget the first Monday of February.

Unfortunately, he is the first President in modern history not only to have failed that deadline but to see the Senate and the House actually move forward with our respective budgets before the White House releases its own.

If the President, who is obviously the leader of the free world and Commander in Chief of the United States military, wants to be relevant to the largest, most important domestic issue facing this country, which is how to get control of our debt and deficit and how to get the American Government to live within its means, I cannot think of anything more likely calculated to lead to his irrelevancy than to wait until the House and the Senate have already dealt with our budgets and submit his budget. That is what has happened.

Tomorrow is the big day when we finally get to see the President's budget proposal. According to some press reports, we already have an idea of what is in it. For one thing, the President's budget will not balance. It is not a balanced budget. The President likes to talk about balance when discussing economic matters. Well, the President's budget doesn't balance in 10 years or in 20 years or ever. What it will do, we are told, is increase spending by hundreds of billions of dollars—money we simply don't have. Right now the Federal Government is spending roughly 25 cents out of every dollar, of money we have to borrow from China or other creditors, just to pay to keep the government operating at its current level.

We are also told the President's budget would impose hundreds of billions of dollars in new taxes—this is after, on January 1, the President signed into law a \$600 billion tax increase as a result of the fiscal cliff negotiations. Meanwhile, the President's budget would make it harder for Americans to save for their own retirement. I find that bewildering. Why in the world would the President want to discourage the American people from saving for their own retirement, particu-

larly at a time when he has done nothing to shore up Social Security or Medicare, which seniors rely upon. So if the Federal Government is not going to do that—in other words, not going to do its job of shoring up Social Security and Medicare—why in the world would we further discourage people from saving on their own?

Indeed, from what we have heard, this budget is filled with the same sorts of tax and spend policies the President has been promoting since day one. I will give him credit—the President has been consistent throughout. Our country can't afford that kind of policy, not when we are suffering from the longest period of high unemployment since the Great Depression and not when millions of Americans have been jobless for more than 6 months.

I would remind colleagues that President Obama has presided over an economy where half a million Americans left the workforce last month, bringing our labor force participation rate down to a 34-month low. What does that mean? Well, it means people have given up. People have been out of work so long—even though the unemployment rate has hovered around 8 percent, then 7.7, 7.6, the only reason it has come down is because hundreds of thousands of Americans have given up looking for work, so they have taken them out of that calculation, which actually gives a false impression of the unemployment rate decreasing. But we all know the economy is growing very slowly—.6 percent the last quarter. It needs to grow 3 and 4 percent for our economy to take off and create the private sector jobs that are important to get Americans back to work.

The President of the United States may truly believe his proposed budget represents a compromise, but in the real world it does absolutely nothing to address our biggest long-term fiscal problems, including Medicare, which, for every dollar a typical Medicare beneficiary has put into the system, they draw down \$3. That is unsustainable. The President's proposed budget contains, again, another massive tax increase even though President Obama has already presided over a Federal Government that has raised taxes on the American people by \$1.7 trillion.

Last week White House Press Secretary Jay Carney said the President's budget “is not what he would do if he were king.” Well, we haven't had a king in a long time—never in this country—and I can only assume Carney meant President Obama would like to raise taxes even more if he could and increase spending even more if he could and do even less if he could to reform our vital programs, such as Social Security and Medicare.

In so many ways this budget sounds more like a PR stunt than actually being designed to address the Nation's biggest challenges. It may help the

President secure favorable media coverage, but it fails to offer serious solutions to America's biggest long-term challenges.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DONNELLY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I know that pending is the firearms legislation, which America is watching very closely, and which we will speak to at length as we proceed to this measure. I, of course, will come to the floor at that time to address some of the issues which were brought up in the Senate Judiciary Committee. One of the bills that is being brought forward under this firearms act is one related to straw purchases—purchases by an individual who can legally purchase a gun so that firearm can be given to someone who could not because of a felony conviction, for example, or perhaps mental instability.

Those third-party purchases—straw purchases—have become the scourge of many communities. One of them is the city of Chicago, IL, which I represent. We found that about 9 percent of the crime guns confiscated in Chicago over the last 10 years came from the State of Mississippi—Mississippi. So how did those guns get from Mississippi to the mean streets and alleys and backways in Chicago? Well, some people decided they could make some money by filling up the trunk of a car with easily purchased guns in Mississippi, driving up to Chicago, and selling them to gangbangers and thugs and drug kingpins in some dark alley late at night. That is a profitable business for some, but it has proliferated firearms and weapons in the city of Chicago to a level that many people find incredible.

Our superintendent of police, Garry McCarthy, came to Chicago from the New York City area. He learned that the per capita possession of firearms in the city of Chicago—per capita—is roughly six times what it is in the city of New York—six times more firearms. We are awash, flooded with these firearms, and most of them, virtually all of them, are coming in from outside the city—9 percent from Mississippi, 20 percent from one firearms dealer in the suburbs of Chicago.

Well, I can tell you these guns are not being purchased by end users in most instances. They are being purchased by girlfriends, by partners, those who could clear a background check and buy a gun and hand it over to someone else who commits a crime.

One of the provisions in the firearms bill that I authored with Senator KIRK, Senator COLLINS, GILLIBRAND, and, of course, our chairman, PATRICK LEAHY, relates to whether we are going to throw the book at those who purchase guns with the knowledge or reasonable belief that they are going to prohibited purchasers or to be used in the commission of a crime; and we do. The penalty starts at 15 years of hard time. In Chicago at a press conference we said: Girlfriend, think twice. Is he worth it? Is he worth 15 years behind bars for you to go buy that gun in the suburbs, hand it over to that gangbanger who kills somebody that night?

That is what folks have to put into their calculation of whether they are going to take that risk. That is one of the provisions in this firearms bill. I would like to think everybody would agree with this provision. Unless one happens to be in that rare group of Americans who believe selling firearms in volume, no matter whom they are sold to, is the best thing for our country, then they have to agree that clamping down with Federal hard time for those who make straw purchases is a good idea. I think it is. It is the lead measure in this firearms bill that will come before us.

There are other measures in there that have been somewhat more controversial, and we will come to them during the course of the debate. But I have asked for this time as in morning business to speak to two unrelated issues, not to diminish the importance of the firearms bill, which I have spoken to already, but to speak to two other issues which I hope will be taken up seriously by the Senate soon.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 673 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

#### FOR-PROFIT COLLEGES

Mr. DURBIN. Mr. President, I have come to the floor many times to talk about for-profit schools. It is another consumer issue. It is a very serious one. I come to the floor to describe to my colleagues and put on the record of the Senate some of the things that are taking place across America today that I think are nothing short of outrageous, things that we can stop—we have the power to stop in the Senate.

Let me tell the story of Sharon LoMonaco. Sharon is a 65-year-old woman who is on Social Security and in debt because of her student loans. Sharon attended the Art Institute of Pittsburgh, a for-profit college owned by Education Management Corporation. Sharon saw a commercial and was attracted to the school and called them. Then the recruiter at the school kept calling and calling her until she finally agreed to sign up. Sharon says the recruiter acted as if he were her best friend, told her everything would be great, and then practically filled out her financial aid forms for her. She ended signing up for \$55,000 in loans, to the Art Institute of Pittsburgh.

She started the program and started to question almost immediately the quality of the education she was receiving. But she stayed in school—that is, she stayed until her money ran out. Sharon received a Pell grant, which is a grant given to low-income individuals in America to go to college, but she had also exhausted her Federal student aid eligibility. She was borrowing money even while she was putting the Pell grant into the cost of her education. She could not get any more Federal loans and could not qualify for private student loans. She had no choice—she had to drop out of the Art Institute of Pittsburgh. She now attends a community college and is trying to finish her degree there. For now her loans are deferred, but every day, she wakes up and worries about what will happen when the day comes and she will have to start to pay them back.

Unfortunately, Sharon is not alone. Every week, former for-profit college students who attended one of the schools like the Art Institute of Pittsburgh that are run by the EDMC corporation find they are drowning in debt and contact our office. We have invited them to tell us their stories.

Let me talk a little bit more about the type of business EDMC runs—that stands for the Education Management Corporation. It received over 77 percent of its total revenue from Federal student aid programs. However, according to a 2012 HELLP Committee report Senator TOM HARKIN filed, if all Federal aid is included—that means counting GI Bill funds, Department of Defense tuition assistance money—EDMC receives 80 percent of its total revenue from the Federal Government. This is not a business, this is an outlet for Federal taxpayers' dollars to subsidize a private company. Eighty percent of its revenue comes in the form of a check from the Federal Government.

It is only 20 percent away from being a total Federal agency, but, believe me, the salaries that are paid and the profits that are taken by this so-called private sector company would not even be considered at the Federal level.

For-profit colleges received \$32 billion in Federal student aid funds in the 2010–2011 academic year. This might seem like a good investment for the Federal Government to make—that is, if students were actually learning, graduating, and getting jobs in their chosen fields and paying off their loans. They are not. Over 23 percent of the students who attended the Art Institute of Pittsburgh are going to default on their student loans within 3 years.

Sharon LoMonaco is not alone. More and more older Americans are in debt either because they went to school later in life or, in a gesture of kindness, cosigned costly private student loans for their children or grandchildren. According to the Consumer Financial Protection Bureau, outstanding student loan debt now tops \$1

trillion in America. These are people who were retired and planning to live a life of comfort. They cannot anymore. A grandmother cosigns a granddaughter's student loan for her, the granddaughter defaults, and they are now collecting and garnishing grandma's Social Security check. In Sharon's case, she worries her Social Security check will be garnished in the future.

While other types of household debt continue to decline, there is one that does not: student loan debt. Between 2004 and 2012, there was a 70-percent increase in the average amount being borrowed for college. Borrowers like Sharon, clearly over the age of 30, make up 67 percent of the total outstanding student loan debt.

There are some for-profit colleges that are doing the right thing—educating students to succeed in the workforce—but there are other bad actors, such as EDMC, that continue to spend a large portion of their revenue on marketing rather than educating. This committee report from the HELP Committee in the Senate found last year that for-profit colleges spent an average of 22 percent of their revenue on marketing and recruiting. One particular school we looked at today is trying to hold out that it is educating and training members of the military. It turns out they have hundreds of recruiters trying to get military families to sign up and 1 job placement counselor. You know what their priorities are: Sign them up and get their money.

Congress needs to raise the standards for for-profit colleges and stop this unrestricted flow of funds to these schools that are failing their students.

I have been giving these speeches on the floor for some time now. Senator HARKIN of Iowa, who is the chairman of the HELP Committee, has had extensive investigations of these for-profit schools. Some of them are struggling. Their share value has gone down. They are not making money the way they used to. But they are still very much in business.

What we should remember is what I have told folks are the three most important numbers:

Twelve. Twelve percent of all college students go to for-profit schools. University of Phoenix, Kaplan, DeVry, EDMC—12 percent go to these for-profit schools. These for-profit schools take out over \$30 billion a year in Federal aid to education. Twelve percent of the students, and they take 25 percent of all of the Federal aid to education. They know where the money is. They are grabbing it as fast as they can. Forty-seven is the third number you ought to remember. Forty-seven percent of the student loan defaults are students and their families from for-profit schools.

Many of these schools are just plain worthless. Some of the students could never tell.

They say: Well, Senator, wait a minute, if you are giving Federal Pell

grants to these schools, then isn't the Federal Government acknowledging the school is a good school?

Sadly, that is an inescapable conclusion, a wrong one. They are not good schools. Yet we continue to allow them to tap into Federal funds. Oh, there are exceptions. Some of them do train people for good jobs. But too many of them are worthless.

These poor students, high school students are inundated with all of this advertising and marketing to go to those for-profit schools. They are lured into it. There was a commercial that used to run on television here in Washington. I think they finally pulled it off the air. It showed this lovely young girl. She was in her pajamas in her bedroom with her computer on the bed. She said: I am going to college in my pajamas. It was an advertisement for a for-profit school.

I do not want to suggest that online education is a bad thing. I think it can be a good thing. But this notion that you can go to school so easily and come up with a valuable degree is one that people ought to stop and think about. What we know now is that many students who do not know which way to turn coming out of high school would be well advised to go first to a community college. It is local. It is affordable. It offers a lot of options. You can learn a lot about yourself and what you might want to be when you grow up and do it without going deeply in debt.

What we are discovering is more and more students are signing up for debt they do not comprehend well. What does it say when a student has to borrow \$20,000 a year to get an undergraduate degree, or \$80,000 in debt for 4 years? Is it worth it? Many students are starting to ask this question.

When I grew up college was a given. Go to college; it is the only way to succeed.

Now students are asking the hard questions. Is it worth that much debt? Will it really help me that much? There are questions which need to be asked and answered. Sometimes these questions are being answered by young people who have had no experience in the world. They have not yet borrowed money for anything. Perhaps their parents never attended a college or any institution of higher education. They are excited about going to college and sign on the paper because they don't want to miss a class. The next thing they realize is they are stuck in these schools.

After a period of time, possibly 4 or 5 years later, some may actually finish in these for-profit schools only to discover their diplomas are worthless and cannot help them secure a job.

A young lady went to Westwood College, one of the most notorious for-profit schools in the Chicagoland area, for 5 years. She completed a law enforcement degree from Westwood. There wasn't a single employer who would recognize her degree when she went out into the real world.

Where is she now? She is living in her parents' basement. This is the only place she may reside because she is \$85,000 in debt to Westwood College for a worthless diploma. This isn't fair.

We need to do a better job at the Federal level in accreditation to ensure these schools are worth their tuition. Secondly, we need to demand full disclosure in terms of how much their education costs. What kind of debt obligation is the student incurring? What is the likelihood they will get a job? How many of these students are dropping out and defaulting on their loans long before graduation?

These are important questions which need to be asked and answered. It is tough. This is an industry which is politically well connected and put themselves in a favored position in the bankruptcy court—through friends in the U.S. Congress. They wish to protect their profitmaking, even at the expense of a lot of these students and their families.

We can do better. We need to establish standards which restore the confidence of American families and these future students in the institutions they attend.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURPHY). Without objection, it is so ordered.

Mr. BARRASSO. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OBAMACARE

Mr. BARRASSO. Mr. President, I come to the floor as someone who has just traveled around my home State of Wyoming for the last couple weeks, talking to people, listening to what they have to say. I do it as a doctor as well as a Senator, but people there know me as a doctor because I practiced medicine in Wyoming for 25 years, taking care of families from all around the State. So it is not surprising that in every town I visit, people ask me what is happening with regard to the President's health care law.

People around Wyoming continue to be very worried—worried that there is going to be a new layer of Washington between them and their doctor. People don't want anyone between them and their doctor, not an insurance company bureaucrat, not a Washington bureaucrat. So families are worried they are not going to be able to keep the insurance they have now and maybe insurance that works pretty well for them—insurance they like, they want, and they can afford. But they are concerned they are not going to be able to keep what they have.

Employers are also worried. They are worried they are not going to be able to afford the health care mandates under the President's health care law.

That is what I heard as I traveled around the State. I will be back in Wyoming again this weekend, traveling to a number of communities, and I expect I will hear the same thing this weekend. I am sure Members of the Senate have heard concerns similar to this from people all around their home State, as they visited around and listened to the voters over the last couple weeks.

While we were out hearing from folks and families back home, there has actually been a lot in the national news the last couple weeks making the very same points I was hearing in Wyoming, and that is what I wish to talk about today.

We have had one headline after another about the dangerous side effects of the health care law. For one thing, employers in Wyoming aren't the only ones who are worried about how much the law is going to cost, how it is going to have an impact on them and their businesses and their ability to hire more people.

According to a news survey by the U.S. Chamber of Commerce, the health care law's expensive new mandates are now the No. 1 concern of small businesses across the country. Seventy-one percent of small businesses say the law makes it harder for them to hire new workers. One-third say they plan to actually reduce hiring or cut back hours because of the employer insurance mandate. Twenty-two million Americans are out of work or are working less than they would like, and that is what we saw in the dismal jobs report just this last Friday.

You say, why is that? The Federal Reserve's Beige Book came out last month, and companies all around the country are saying: We are not going to hire because of the uncertainties and mandates in the President's health care law.

The recession ended 4 years ago, but the only way our economy is going to get back on track is if we free the private sector to start hiring in far greater numbers than they are willing to do right now. But the President's No. 1 signature accomplishment, his law, makes it actually harder for businesses to hire more people. One would expect the President would want to make laws that would make it easier for employers to hire more people.

There was another headline on how the President's health care law is hurting small businesses. Here is what the New York Times says: "Small Firms' Offer of Plan Choices Under Health Law Delayed."

What they are talking about is the promise the President made that his health care law would help small businesses find affordable health care plans. Of course, that is a desirable goal. The problem is the law doesn't bring out what the goals may have

been. The law was supposed to create a new insurance market for small employers. That is what they are promised. Their workers would then have a variety of choices so they could pick the plan that worked best for them.

The New York Times article says:

The promise of affordable health insurance for small businesses was portrayed as a major advantage of the new health care law, mentioned often by White House officials and Democratic leaders in Congress. . . .

That is what the New York Times says that the President of the United States was telling the American people:

The promise of affordable health insurance for small businesses was portrayed as a major advantage of the new health care law, mentioned often by White House officials and Democratic leaders in Congress. . . .

So what is going on? The administration admits things haven't worked out the way they had promised.

They can't meet the law's deadline, so it is going to delay the entire program for a full year to 2015. Of course, the Obama administration says it will not delay the mandate until 2015. So you have to provide the health insurance now, in 2014, but: Sorry. We made some promises, but they are not going to happen until 2015. You still have to pay right now and do this.

So small businesses are going to get hit with the higher costs of providing the insurance, but they don't get the program that was supposed to help them in the first place—the program promised by the Democrats in this body who voted for it and promised by the President of the United States who in many ways went on to deliberately deceive and mislead the American people as a result of what we are now finding is in the health care law. I am happy to see the national press reporting it because we are sure hearing it from people around the country.

What we see now is that if a business wants to offer its workers insurance through an exchange, it has to pick one plan for all the people. The workers are going to get none of the choices they were promised. According to Washington and this administration and this President, now one size has to fit all.

Even in a business where the employees now currently have several choices, they are going to lose their options. They are not going to be able to pick the insurance plan that is right for them and for their families. That is what is happening to Zachary Davis.

Zachary Davis owns a couple ice cream shops and a restaurant in Santa Cruz, CA. He has 20 full-time workers and today he offers them health insurance.

Isn't that the goal? Workers—offer them health insurance. These workers range in age from college students to seniors, so they have different needs at different ages, different fears, different concerns, different needs. What the younger ones prefer are lower premiums and then higher out-of-pocket

costs if they happen to get sick. That is because they are healthy and they do not really go to see a doctor very often. The older workers who work in the same company visit doctors more frequently, as would be expected, so they are more interested in a position where their policies maybe have higher premiums but lower deductibles. People want to make choices.

Right now the employees who work for Zachary have actually three different plans that fit their needs. They get to choose. But what Zachary Davis has told CNN is that limiting his workers to a single plan would be a deal breaker and it would keep him out of the exchanges. He said:

That would not be a good fit for us. For a business like ours—and a lot of businesses I deal with on a regular basis—I can't see that making sense.

He is right. It doesn't make a lot of sense. But that is what President Obama's health care law has given the American people—something that doesn't make sense and another broken promise, another hurdle to get in the way of job creators, another failure of the Washington bureaucracy, and another burden on workers who like the insurance they had before and now are not going to be able to keep it.

During the 2 weeks we have been traveling our States and traveling the country, there has been headline after headline. Here is one more headline from an Associated Press story. This headline says: "Health Overhaul to Raise Claim Cost 32 percent." That is a 32-percent average increase in claim costs. This is a new report by the Society of Actuaries.

The Wyoming Tribune Eagle in Cheyenne—this is Wednesday, 27, 2013: "Health Overhaul Bumps Up Claim Cost 32 Percent. And If Insurance Companies Have To Pay More, You Can Bet We Will, Too."

"And If Insurance Companies Have To Pay More, You Can Bet We Will, Too."

On average, insurance companies will have to pay out 32 percent more for medical claims on individual health policies because of the health care law, so that is going to drive up premiums for all of us. It drives up how much hard-working Americans have to pay to get medical care and to buy insurance. Why? The President's health care law.

Here is how the Associated Press summarized it. It said:

Obama has promised that the new law will bring down costs. That seems a stretch now.

This is not me, this is the Associated Press: "That seems a stretch now." I would say it is actually an understatement. Costs will not go down because of the health care law because the law does nothing to help costs go down or make them go down. In fact, it does many things that actually cause costs to go up. All of the mandates, all of the new expenses, all of the new taxes—that is all going to add to the average increase of 32 percent. But that is just

the average. When we look at the increases in some States, we really start to see how much worse off a lot of people are going to be. In Ohio, we see an increase of 81 percent; in Wisconsin, up 80 percent; Indiana, up 68 percent; right next door to us in Maryland, up 67 percent; Idaho, up 62 percent. In my own State of Wyoming, people are facing a 32-percent increase. It is right at the national average.

This article in the newspaper, when you go to it, it says, "Overhaul increases could top 50 percent for certain States." Here we see in many States that is the case. They have a list, State by State, of each of the State's claims—change in claims cost in health overhaul. That is what the American people are facing. These are terrible numbers, but they are absolutely predictable. In fact, some of us did predict that is what would actually happen. The American people cannot afford for health care costs to go up by 81 percent, as we are seeing in Ohio, or even by 32 percent, which is the national average. That is not what the President promised.

Finally, I want to point out just one more headline, one more broken promise the President made. We all remember when the President said that if you like your insurance plan, you can keep it. He said, "No one will be able to take that away from you." The President of the United States said, "No one will be able to take that away from you."

Now we have another story from CNN. It says, "Most Individual Health Insurance Isn't Good Enough For ObamaCare." This article talks about a University of Chicago study—talking about Chicago, the President's hometown. The study reported—from CNN—the University of Chicago reported that more than half of the individual insurance plans currently on the market will not be allowed to exist under the President's health care law—more than half. Fifteen million Americans buy individual plans, and half of those plans are going away. Even if these people like their coverage, the President says: Too bad. His health care law is taking it away from them.

Not only will the law eliminate more than half of the plans, most of the ones that remain are going to cost more next year. Why? It is because of what the administration calls the essential health benefits. These are specific individual mandates that require insurance plans to cover a wide range of services. For most consumers, it is going to mean a more extensive and a longer list of benefits. These higher benefits, of course, mean higher costs.

So people cannot just get the insurance that they and their family want, the insurance that is right for them as a family and the insurance that they can afford. No. They have to buy Obama administration-approved health insurance. That is insurance that is going to be much more expensive than what they might want, they might need, or they can afford. It may not

even do them any good. So despite what the President has promised to the American people, they are not going to be able to keep the insurance they have. The options that are left to them are going to cost more.

These are just a few of the headlines—a few of the headlines we have seen just since we went out a couple of weeks ago and traveled the States. These are all fresh, new headlines from the last 2 weeks, but every day we get more and more information about the bad side effects of this terrible health care law. The President's health care law is unraveling before our eyes.

The American people knew what they wanted from health care reform. They wanted the care they need from a doctor they choose, at lower cost. That is what the President promised the American people they would get from his health care law, but all the people of the country have seen are rising costs, less choice, and a larger Washington bureaucracy.

It is time for President Obama to finally admit that his health care law is dragging down the American economy. It is time for Congress to repeal this terrible law and replace it with the kind of reform that works.

Mr. President, I yield the floor. I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### THE BUDGET

Mr. THUNE. Mr. President, I come to the floor to discuss the President's budget, which we understand will be released tomorrow. The budget comes out at a time when there is a lot of economic news floating around. The jobs report came out last week and indicated that job growth had been much slower than expected. There were about 190,000 jobs that were expected to be created, but there were only 88,000 jobs created, according to that report.

Although the unemployment dropped a little to 7.6 percent—if we factor in the number of people who had quit looking for jobs, which was half a million people—we had a labor participation rate which is literally the lowest since 1979. We have to go back to Jimmy Carter's Presidency to find a time when the labor participation rate hit that low number where 63.3 percent of the people who are eligible to work are actually out looking for work. There a lot of people who have completely quit looking.

We also looked at the U-6 number, which measures employment in a different way. It adds in the number of people who are no longer looking for work or who are working part time but would like to work full time. The un-

employment rate for that is about 13.8 percent. This is a very sluggish, weak economy, where there are a large number of people across this country who continue to be unemployed, who continue to try and make their way without the advantage of having a job out there to pay their bills.

It strikes me that as the President releases his budget, the fundamental question which should be asked in the context of the economic data I have just mentioned is what will his budget do to create jobs, grow the economy, and increase the take-home pay for middle-class Americans. To me, that seems to be the question we ought to use as we evaluate not only the President's budget but other budget proposals that have been made here in the last few weeks.

When I say other budget proposals, of course, the House and Senate have both adopted budgets. The House passed their budget. They have passed their budget every year on time. The Senate, for the first time in 4 years, actually adopted a budget a couple weeks ago, and tomorrow we will finally have the President's budget, which, interestingly enough, was due on February 4. We were supposed to get the President's budget February 4. Typically, his budget would kick off the debate on the budget. It would be the starting point on which the two Houses of Congress—the House and Senate—base their budgets and gives them a little information as they move forward, but this is completely in reverse.

In fact, I think this is the latest the President has released his budget since about 1920. We have to go back almost 100 years to find a time when the President has released his budget at a later date than he did this year. So his budget comes after the fact. That being said, I hope when it does become public and we begin to dig into it a little bit and look at what is in it, we will have a more definitive answer to the questions: What are we going to do to create jobs? What are we going to do to grow the economy? What are we going to do to increase the take-home pay of working Americans? To me, that is fundamentally what we ought to be focused on in light of the very abysmal jobs report from last week.

What we are hearing about it—and again we will not know the final details until we see this tomorrow—is it is going to consist of a huge new tax increase. It will be another \$1 trillion tax increase on top of the \$1.7 trillion in tax increases that the President has already signed into law. If we go back to ObamaCare—the health care bill that passed a few years ago—it included \$1 trillion in new taxes. We had the fiscal cliff deal, reached on January 1 of this year, which had \$620 billion in new taxes. If we take ObamaCare, the fiscal cliff deal, and then add in some other taxes that have been imposed since the President took office, we are now over \$1.7 trillion in new taxes and new revenue.

So when the word came out that the President's budget was going to include another \$1 trillion in new taxes on top of the \$1.7 trillion already mentioned, we need to ask the questions: At what point does this do serious harm to the economy? At what point do we get to that juncture where we have so much burden, so many new taxes and new regulations imposed upon our economy, that it becomes increasingly difficult, if not impossible, to create jobs and get the economy growing at a faster rate. In fact, what we are hearing, at least at this point, is that we have \$1 trillion in new taxes, which means overall we would have a \$600 billion number in terms of deficit reduction.

We have been told the President's budget replaces the sequester, which had \$1.2 trillion in spending cuts. If there is just \$600 billion in deficit reduction, what that essentially means is that all the deficit reduction is in the form of higher taxes. We have \$1 trillion in new taxes, \$600 billion in deficit reduction, and we are completely replacing the \$1.2 trillion in spending cuts that is currently in effect, unless, of course, as is proposed in the President's budget, at least we are told is proposed in the President's budget is going to be replaced.

My point simply is this: In this country, we have a sluggish economy, chronic high unemployment, massive amounts of debt, all of which can be, if not entirely, at least partially cured and fixed by a more robust, more expansive and growing economy, growing at a more historic rate. The economic growth we have seen since this President took office, the average is .8 percent—eight-tenths of 1 percent is the average economic growth in 4 years since the President has been in office.

The historic average over the past 60 years is about 3.3 percent, and that includes 11 recessions. We have been through 11 recessions in the last 60 years, and still we have an average growth rate of 3.3 percent. It is not terribly robust, but on average at least it is good enough to keep the economy chugging along, to keep throwing enough jobs out there to keep a majority—or at least keep the unemployment rate at a reasonable level and keep Americans employed. Yet in the last 4 years the average is .8 percent.

Last year, we looked at 1.5 percent to 2 percent, in that neighborhood, but the fact is, until we start growing at a faster rate, we will be plagued by chronic high unemployment and we will continue to have these massive deficits year over year. As we all know, when we have a growing and expanding economy, people are working, investing, making money, and paying taxes. When the economy is growing, we get more tax revenue, and that makes the fiscal imbalances look smaller by comparison as well.

The real objective we ought to have in front of us if we want to deal with the fiscal imbalance and if we want to deal with the sluggish economy out

there is policies that will promote economic growth, policies that make it less expensive and less difficult for people in this country to create jobs. We should not add more taxes, not add more costs in the form of new regulations, not impose more burdens on the economy but unleash the economy and allow it to grow and allow people in the economy to create jobs.

There are a number of reasons why that cannot happen. As I said, we have \$1.7 trillion in new taxes that have been put on the economy since the President took office. His budget, as we are told, is going to include another \$1 trillion in new taxes. We have new health care mandates that businesses—small businesses, large businesses, businesses of all sizes—are reacting to. It is something I hear more about now when I travel my State than almost anything else.

When we talk to people who create the jobs, there is uncertainty about how this is going to be implemented. There are lots of delays in terms of its implementation. We are looking at significant increases in premiums across many different age groups.

We heard the Senator from Wyoming, who was down here earlier, talking about the impacts of health care and what it will mean to the economy, what it will mean to people who buy their health insurance in the individual marketplace, people who acquire it through their employer. Obviously, there are people who might be forced into exchanges. There is just a tremendous cloud of uncertainty which hangs over our economy right now. Much of it is due to government policy generated in Washington, DC. Many of those policies come back to the budget. What is the vision we have for the future of this country?

The budget is a vision statement, as has been stated by Vice President BIDEN in the past. It sort of lays out a policy framework for the two parties and their respective ideas about how to grow the American economy, how to get people back to work, how to improve the standard of living and the quality of life and the take-home pay for middle-class Americans. Again, that is what I would argue the budget discussion we have should be focused on.

It strikes me as somewhat unusual and ironic that the President, after getting \$1.7 trillion in new taxes since he took office, would submit a budget that is several months late, filled with new tax increases, and would put even more burdens on an already fragile economy. Yet that is what we are hearing is going to be in his budget.

There are some other things which I would hope he will include in that budget. We are told he is going to propose a modest and what I think is a bipartisan entitlement reform known as chained CPI that would change the calculation in some ways and would be more reflective of cost and the economy when it comes to calculating ben-

efits for certain programs. But it is a small change in terms of what the dimensions of the problem are.

In fact, if we are going to do anything serious and meaningful to deal with the runaway spending and debt, we have to—in a structural way—reform these programs on the mandatory side of the budget that are growing at two to three times the rate of inflation and are unsustainable.

If we look at what drives Federal spending today, it is mandatory spending, Social Security, Medicare, and Medicaid—programs that are sort of on autopilot, if you will, in the Federal budget that today represent somewhere on the order of about three-fifths of all Federal spending. But according to the Congressional Budget Office, 10 years from now it will represent 91 percent of Federal spending if we continue on the path we are on today. That is completely unsustainable. That means we have 9 percent of all Federal revenue available to fund national security, fund nondefense discretionary spending, and to pay interest on the debt. That is a future we cannot comprehend.

I think what it points out is we need to deal with these programs in a way that reforms them, that saves them, that protects them not only for generations of Americans today who depend upon them but also for future generations of Americans. On the current trajectory, on the current path, we simply cannot do that, and we have to make changes and reform these programs.

So it would seem the President, in his budget, would contemplate what he might do, proposals he might make to address that. Again, we will not know for sure until we see it tomorrow, but my understanding is there will be very little in terms of consequential, meaningful change, meaningful reforms and restructuring of programs that will actually get us on a more sustainable fiscal path.

I have to say the connection when we talk about policies—and I could go into a lot of different policy areas that I think drive up the cost of doing business in this country, one of which I already mentioned; that is, the new health care entitlement program that imposes lots of new requirements and mandates on employers as well as on individuals and is filled with \$1 trillion in new taxes. But there are other areas of our economy as well.

If we look at the power of energy in this country and what it could do to unleash jobs to help get our economy growing at a faster rate, we see we have enormous opportunity out there in that sector of our economy.

We obviously have enormous opportunity if we are willing to take on our Tax Code. Our Tax Code is enormously complicated, complex beyond the comprehension of most Americans, which is why in many cases they have to turn it over to a professional tax preparer. But I believe it is fair to say if we could reform our Tax Code in a way



that broadens that base and does away with a lot of the loopholes and the special interest provisions—the exclusions, deductions, et cetera, in the Tax Code today—broadens that tax base, lowers the rates—we could unleash a period of economic growth unlike anything we have seen in a long period of time.

If we go back to the last time this was done in 1986, we know we saw a long period of economic growth because people—there was a lot of pent-up uncertainty and there is today, I might add, as well—and there is a lot of capital sitting on the sidelines that could be deployed and a lot of jobs, frankly, and opportunities we are losing to global competitors because our tax rates are, frankly, just not competitive in the global marketplace.

So I would argue that reforming our Tax Code would be enormously helpful if we are serious about growing the economy and creating jobs. That too is an area where I hope the President will engage. So far we have not heard from him on that except to say in terms of the corporate tax rate he would be willing to work with us on tax reform that would be deficit neutral. But if we look at what is coming out of his administration, these proposals, and the budget we will see tomorrow, most of it involves raising taxes—closing loopholes, perhaps, but doing it to generate new revenue to fund new Federal spending, not to reduce rates and to generate economic growth. Economic growth ought to be the goal in tax reform. It ought to be progrowth tax reform, and it would take us a long way toward that goal of getting this economy back on track and unleashing the economic growth we all want to see.

But I have to say it is also important, if we are going to get the economy growing again, that we get Federal spending under control. There is a lot of research out there, a lot of study that has been done that has looked at the relationship between high levels of debt as a percentage of our economy, GDP, and high levels of spending as a percentage of our GDP and how that impacts or translates into economic growth and jobs. The studies suggest that when our debt to GDP reaches a certain level—and ours exceeds that by 90 percent according to one of the studies—that it costs 1 point to 1.5 points of economic growth every single year. In this country that is about 1 million jobs. So as long as we continue to have a debt to GDP that exceeds 90 percent—ours is now about 104, 105 percent of GDP—we are in dangerous territory when it comes to the fragile nature of our economy and what it means to our ability to grow in the long term as we project out into the future.

If we look at many of the European nations that are strangled with high debtloads right now, a tremendous amount of leverage, we can see what is happening in their economies. How have they tried to cure that in most cases? They try to raise taxes, which

makes the problem even worse because that slows economic growth.

So what we need to be looking at in terms of a budget is one that takes on what is driving Federal spending over the long term—the mandatory part of the budget—reforms and restructures programs in a way that saves and protects them; that doesn't in any way impact people who are drawing benefits today but makes those programs more sustainable for future generations of Americans. We need a budget that brings the debt-to-GDP and the spending-to-GDP levels down to a more historic norm that are consistent with what we have seen over our Nation's history as opposed to what we are looking at today, which are extraordinarily high levels of debt and extraordinarily high levels of spending as a percentage of GDP.

We ought to think about what we can be doing in terms of reforming the Tax Code and streamlining regulations to lessen the burden and the tremendous weight we put on our small businesses and our job creators.

Those are the types of things we ought to be looking at in terms of policy. That is what the budget ought to be focused on, getting spending under control, getting it back down to a more reasonable level and a more historic norm. But until we do that, my fear is we are going to continue to see chronic unemployment, a lot of people leaving the workforce, and labor participation rates that are at historic lows. We are going to continue to see a sluggish economy that continues to stumble along at 1.5, 2 percent annual growth. We are going to continue to see take-home pay levels go down for ordinary, working-class, middle-class Americans who are out there trying to pay their bills, trying to take care of their everyday expenses and perhaps put a little bit aside for their retirement or for their children's education. Those are hard decisions that Americans are making at their kitchen tables every single day. These are kitchen table issues; they are pocketbook issues. They are the kinds of decisions that American families have to contend with. They don't have the luxury the Federal Government has of being able to go out and borrow.

Of course, today, of every dollar we spend in Washington, DC, 40 cents is borrowed. So we continue to borrow like there is no tomorrow. We continue to pile up massive amounts of debt, put it on the backs of our children and grandchildren, hand them the bill or the credit card overcharges we are making today. That is wrong. It is inconsistent with everything that has made this Nation great. Part of our Nation's heritage is we have been a country that has understood the idea that one generation sacrifices so the next generation can have a higher standard of living and a better quality of life. That is something that is very true in my part of the country in the Midwest, in South Dakota.

My grandfather and great uncle are among those who came in 1906, didn't speak English, learned the language, worked hard building a railroad, and later were able to save enough money to buy a small merchandising store and continued in their pursuit of the American dream.

That is what I think has characterized generations of Americans like them since, up until today. Today we are at a point in American history where if we don't get our fiscal house in order, if we don't deal with these imbalances that have gone on now for decades, we are going to relegate, if you will, future generations of Americans—our kids and grandkids—to a lower standard of living and a lower quality of life than what we have enjoyed.

That is why the President's budget, as much as it is late, is so important, because it really does set that tone. It really does tell us what that vision for the future of this country is. If we don't have a leader in the White House who can lay out in a systematic way what he wants to do to address the economic data—the statistics I mentioned earlier, the high unemployment, the underemployment—we consistently see these economic numbers come out from one month to the next. When there is a little improvement, we get all excited about that, and the next month it takes another tumble.

We find more and more people who are just leaving the workforce, and the labor participation rate is at a historically low level since 1979, and we haven't seen it down 63.3 percent, which is what it was for the month of March. If we are going to do something about that, we are going to have to have people who are going to demonstrate the political courage that is necessary to confront these big challenges and big decisions, and that means people in the Senate and in the House of Representatives. But awfully important to all of this is the President of the United States.

There is only one person in this country, among 307 billion Americans, who can sign a bill into law. There is only one person in this country who has the bully pulpit and the capability to rally people in the Congress and people around the country as well as around great causes. I can't think of a greater cause today than doing something to deal with runaway spending and a debt that is hurting our economy, that is enslaving future generations of Americans to a lower standard of living and a lower quality of life.

Those are issues that need to be addressed. The President's budget tomorrow could go a long way toward addressing that. I am afraid it is going to be a missed opportunity if what we hear about it is actually true. We hear it doesn't address the long-term drivers of spending and debt, it raises taxes \$1 trillion, and it does \$600 billion of deficit reduction but all in the form of higher taxes. That is not going to solve

our problem. We cannot raise taxes enough to deal with what plagues our country in terms of our fiscal imbalances. What plagues us is the fact that we spend too much, not that we tax too little; that we have a slow rate of growth in our economy, so slow we are not generating the number of jobs and the amount of investment that will get the economy growing and taking off again, but also improve the fiscal picture for our country's future.

So I hope I am wrong about this. We will see tomorrow if everybody will be pleasantly surprised and the President will take on the big issues and do away with more taxes and more spending and more regulations and more costs for businesses that are trying to create jobs. But I think that would be the triumph of hope over experience. So far what we have seen out of this administration is that very formula: more spending, more taxes, more cost to small businesses to create jobs, and higher cost from regulations. They have been consistent on that. That is not the way to get the economy growing and expanding again.

We believe we ought to be not growing the government but growing the economy. Frankly, if all of us in the Senate looked at every bill that comes before us in terms of what will it do to create jobs, what will it do to grow the economy, what will it do to increase the take-home pay for middle-class Americans, we would probably get a lot higher quality legislation, legislation that produces solutions for the American people, which is something we are not doing today.

Madam President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Ms. WARREN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, earlier today I met with families from Newtown, CT, to discuss the legislation we are currently debating. It is obviously very emotional and not an easy meeting to have, but it is a very necessary meeting to have. When there are parents of children who were murdered, or from the families of teachers who were murdered, it is difficult for everybody.

I wish to thank them for sharing their stories of loved ones and their concerns with me. I hope many of my colleagues would consider meeting with these families as well. We are debating legislation they are supporting.

In my State of Iowa, there is a great difference of opinion on the particular legislation we might be considering. I think it is something very worthwhile to sense firsthand the emotion of these discussions. At the meeting, they called for debate on the legislation. Currently we are in the process of debate.

We most likely will move forward on this legislation. Under new procedures available under Senate Resolution 15, the majority leader may move to proceed on a measure and to vote on some amendments.

A vote against the motion to proceed does not cut off debate or votes on amendments under the new procedures in the United States Senate.

Nonetheless, we are in the unusual position of being asked to take a leap into the unknown.

We are being asked to vote to proceed to an uncertain bill.

That bill is not even the bill that we would likely consider if the motion to proceed were successful. The language on background checks would change. Remarkably, if the language changed, it would be replaced with language that does not now exist.

The world's greatest deliberative body should not operate in this fashion.

In the Judiciary Committee, four bills were considered separately. There was no consensus. Three of them have now been combined. But they are not ready for consideration. At the time, the sponsor of the background check bill said it was not ready. There are numerous problems with that bill.

Movement of firearms from one law-abiding citizen to another would be legal or illegal based on arbitrary distinctions that citizens could not be expected to know. This is true even though when this language was the subject of a hearing in a previous Congress, a witness pointed out the problems. But no changes have been made to address those issues.

Even an official with the ACLU says that criminal laws should give more guidance to citizens.

The bill operates in a way that would make gun safety efforts more difficult. That does not make any sense.

The bill requires recordkeeping for private sales. That is a step toward gun registration. Indeed, we heard testimony in the Judiciary Committee that "universal" background checks cannot be effective without gun registration. And the ACLU official is right to be concerned about the threat to privacy that the background check language presents. He notes that the government would possess information concerning gun owners that it would not be required to destroy within 24 hours, as it must for current background checks.

He also points out that the bill contains none of the restrictions in current law that prevent other parts of the government from using the database for purposes beyond why the information was supposedly obtained.

The background check provision is also not ready for consideration because of the new Federal felony that it creates.

If a law-abiding gun owner's gun is lost or stolen, he or she would be required to report that to both the attorney general and appropriate local officials within 24 hours.

At the markup, I asked a number of questions of the bill's sponsor about how the offense would work. For instance, who would pay for the additional law enforcement personnel who would take those calls? What would a citizen's legal obligation be if the gun were misplaced rather than lost? What would determine when the loss occurred that started the 24-hour period?

The sponsor said that these issues would be clarified. So far, however, they have not been. So law-abiding citizens will not know whether they are acting in compliance with the law or face a 5-year jail sentence.

The issues have not been clarified, but we are being asked to proceed to the bill anyway.

This new offense criminalizes inaction. That is a grave threat to freedom.

Except for filing tax returns or registering for the draft, we punish bad actions. We do not punish inaction. This new crime punishes failure to act. And it only applies to those who lawfully own their guns. A criminal whose gun is stolen is not required to report that fact. With this offense, law-abiding citizens can be turned into felons, but felons cannot commit a crime.

Under this new offense, law-abiding citizens might be looking at 5 years in jail for doing nothing. And all that is necessary for the gun to be subject to the reporting requirement is that the gun once moved in interstate commerce.

The Supreme Court has outlined three categories of situations in which Congress can rely on the Commerce Clause. This is not one of them. If Congress can do this, it can make people take all sorts of action simply because they owned a product that once moved in interstate commerce—Like bread or soap.

And they can face jail time if they do not do what Congress demands that they do. Even the individual mandate from Obamacare only established a penalty, not a prison sentence. I do not think 90% of Americans would support this universal background check bill if they read it.

The motion to proceed also goes to a bill that contains language on straw purchasing and gun trafficking. I voted to report that bill to the Senate floor.

Many changes were made to that bill at my behest. An amendment of mine was adopted. At the time I expressed concerns. I spoke of my desire to have those concerns worked out before the bill went to the floor. I said I would not necessarily support that bill on the floor if those concerns were not responded to. They have not been addressed so far. And those provisions were tied to the ever-changing background check provisions.

The whole process makes me wonder whether the efforts to pass a bill on this subject really are serious. It seems that if a half-baked bill is brought up, the majority can be sure that they can force Republicans not to agree to proceed to it. It seems like that may be

just what they want to happen. If so, that is a very cynical way to treat a very serious issue.

How can we responsibly proceed to a bill that contains language that even its sponsor admits is not ready for consideration?

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, I am back again to speak about carbon and climate and to remind my colleagues that it is long past time for us to wake up and to address the causes and consequences of global climate change. Carbon pollution is changing our world, and it is time that our national policies reflect the reality of that changing climate. We cannot pretend the change is not going to happen when it is actually already happening all around us.

Air and ocean temperatures are increasing, the sea level is rising, oceans are growing more acidic, seasons are shifting, and extreme events such as heat waves or powerful storms are becoming both more frequent and more intense. Well-established science tells us these changes are caused by carbon pollution in our atmosphere, mostly from burning fossil fuels. These changes to our planet will continue and likely accelerate, and the consequences will be dire. We had better be aware and prepared. Sometimes even little changes can have big effects.

For example, take the winter flounder in the waters of Narragansett Bay in my home State of Rhode Island. I am sure the Presiding Officer's home State has winter flounder as well. Many of our colleagues will not give a hoot about the winter flounder, but Congress always tends to care a lot about money, and the winter flounder has historically been a very popular and lucrative catch for Rhode Island fishermen.

In the 1980s, commercial landings of winter flounder averaged more than 2,500 metric tons per year, and as recently as 1989 it was still over 1,000 metric tons. Trawlers were a common sight on the bay in the winter and fishermen prospered. The most recent data from 2009 for the commercial landing of winter flounder is down to about 150 metric tons. It went from 2,500 metric tons down to 150, and today trawlers in the bay are a rare sight.

Narragansett Bay waters are getting warmer—4 degrees Fahrenheit warmer in the winter since the 1960s. Spring is coming earlier, and that is not good for the winter flounder. NOAA scientists working in Rhode Island found that winter flounder that incubated in

warmer water are smaller when they hatch than those that incubated in colder water. Smaller juveniles are easier prey when predators return with the warmer spring water.

The juvenile winter flounder used to have time to settle to the bottom of the bay and grow larger before the abundant bottom feeders, such as the sand shrimp, were present. Now warmer water brings the shrimp in earlier while the flounder is still small enough to eat. So warmer waters load the dice against winter flounder in the Narragansett Bay, and the fishermen who relied upon them pay the price. They pay a real price.

These changes to Rhode Island are not unique to Rhode Island. We can find examples all over the country. The Pacific Coast has ocean acidification—driven by the higher levels of carbon dioxide in the water—which is killing off baby oysters as they try to form their shells in the acidified water. Again, I don't know how many colleagues care about baby oysters, but oyster farming is a serious cash crop on the Pacific Coast. An oyster hatchery in Oregon has seen 70- to 80-percent losses of its oyster larvae due to the acidic waters washing in from the sea.

It is not just the oceans and coasts that are affected. In our Heartland, rivers and forests are facing the changes coming with the warming climate. The water hyacinth is an invasive species spreading rapidly across the Southern United States, blocking waterways and choking native species.

The water hyacinth has been called the world's worst aquatic weed. The pest renders a body of water unsuitable for most other plants and animals, drains water from the drinking and irrigation supply, and can clog pumping stations and hydropower infrastructures, costing local economies millions of dollars. Water hyacinths cannot survive a winter freezing, but as the average temperature warms, this species spreads further and further.

In the Rockies, pine beetles are devastating native forests. The pine beetle larvae are killed by hard frosts, and so this kept them in lower latitudes and in lower altitudes where the temperature was warmer. With global warming and winters that are not so cold, the beetle is spreading northward and upward to higher elevations.

Fly over Idaho or Montana and look down. What was once miles and miles of green pine forest is now standing dead on the mountainsides. These forests provided timber, hunting, clear streams, and an entire forest environment for birds and animals. It doesn't look like they are ever coming back.

Winter flounder, baby oysters, water hyacinth, pine beetles, these species pinpoint just a few of the many changes scientists are observing in nearly every corner of our country. Thankfully, we now have the beginnings of a blueprint for adapting to these changes.

Last month, the Obama administration—in partnership with State and

tribal industries—released its first National Fish, Wildlife and Plants Climate Adaptation Strategy. It is an attempt to understand and head off—or at least prepare for—the changes carbon pollution is beginning to wreak on our country's wildlife, plants, coasts, and rivers.

Jamie Rappaport Clark, president and CEO of Defenders of Wildlife, called the adaptation plan a “science-based . . . commonsense, ‘look-before-you-leap’ strategy [that] emphasizes long term planning and management for climate change on a fundamental level.”

The adaptation strategy stresses that we need research to understand the specific effects of climate change on local fish, wildlife, plants, and habitat. The faster you are driving, the better your headlights need to be, and it is scientific research that provides the headlights for us to see what is now coming at us.

We are past the point of avoiding what is coming at us. The big polluters have seen to that. With their lobbyists, their money, and their lies, they have prevented us from doing what we should have. Of course, Congress shares the blame. This institution prefers listening to self-interested polluters than listening to science or the signals of nature.

There is no avoiding it now. The National Wildlife Federation now recommends “managing for change, rather than maintaining status quo conditions,” and urges that “[f]ederal land and water management agencies should explicitly incorporate climate change projections into their resource management planning.”

A coalition of 21 groups—including American Rivers, National Audubon Society, Physicians for Social Responsibility, the Wilderness Society, and the World Wildlife Fund—have urged the Federal Government to account for climate change in all relevant programs and activities. They called this adaptation strategy “a landmark . . . strategy for making wildlife and ecosystems more resilient to climate impacts.” Clearly, they recognize that climate impacts are inevitable. Indeed, they are happening. The question is: How bad are they going to be? How much damage will we let the polluters do before we bring them to heel and ourselves to our senses?

The Natural Resources Defense Council echoed a recent Government Accountability Office finding that our current adaptation planning is inadequate and that this—for those who only care about money—increases the Federal Government's fiscal exposure to climate change.

A group of 10 outdoor enthusiasts and sportsmen's groups, led by the Wildlife Management Institute, recently urged President Obama “to stand firm on his commitment to develop and implement climate change adaptation strategies” because they know we have to adapt.

The alarm has long been sounded by the scientific community which overwhelmingly warns about the effects of our carbon dioxide emissions on our atmosphere and oceans. Our defense and intelligence communities warn of the threats posed by climate change to national security and international stability. Economists recognize the market distortion of overlooking the costs of carbon pollution.

Let me say a word of appreciation to former Secretary George Schultz, who wrote an excellent piece in the Wall Street Journal pointing out that this is, indeed, a market distortion that favors polluting fossil fuels and gives them an unfair advantage against other forms of energy that would do less damage to our planet.

Of course, government accountants list climate change as a threat to our fiscal stability. Even faith leaders appeal to our moral responsibility to shield communities—and particularly the poorest communities here at home and around the globe—from the devastating effects of carbon pollution on God's Earth.

Now the alarm is sounded by those dedicated to the conservation of America's wild spaces and living creatures. They are warning that thanks to Congress's neglect, change is coming to our planet locally by locality. They are warning that we had better understand and prepare for those changes and do what we can to minimize the eventual havoc.

The American people are not sitting idly by on this. They are demanding action. Three-quarters of those recently surveyed by Stanford University think the Federal Government should do something to reduce the effects of rising sea levels.

My Newport tidal gauge in my home State in the famous sailing port of Newport is up 10 inches since the famous hurricane of 1938. When the next big one comes, that 10 inches is going to mean a lot of additional damage. Americans believe national preparations for the climate change that is around us will more likely help the economy than hurt it, and they are right. These changes will help the economy.

Sixty percent of Americans believe that taking steps now to adapt would actually create more jobs while only 13 percent thought it would create fewer jobs. Sixty percent as opposed to 13 percent of Americans recognize that the real economic strength we will get is by addressing this problem, not by ducking it because of the pressure from the carbon polluters.

Americans clearly see the benefits of adapting for climate change. Again, for those who only care about money, Americans see the economic benefits of addressing climate change.

I will say once again it is time for us in Congress to wake up. We are sleepwalking through history. We are asleep to the urgent demands of our time. It is time to wake up and prepare our na-

tional strategy to protect our Nation's precious resources, protect our coasts and forests and plains, protect our animal and plant life, protect our people and our communities against the inexorable change that looms.

I thank the President and yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CLOTURE MOTION

Mr. REID. Madam President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 32, S. 649, a bill to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check for every firearm sale, and for other purposes.

Harry Reid, Patrick J. Leahy, Robert Menendez, Sheldon Whitehouse, Jeff Merkley, Christopher A. Coons, Benjamin L. Cardin, Barbara Boxer, Debbie Stabenow, Kirsten E. Gillibrand, Richard J. Durbin, Patty Murray, Jack Reed, Dianne Feinstein, Richard Blumenthal, Christopher Murphy, Elizabeth Warren.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GUN VIOLENCE

Mr. LEAHY. Madam President, 4 months after the horrific day in Newtown where 20 children and 6 educators were senselessly murdered, the Senate is posed to make further progress toward the goal of reducing gun violence. It is a goal that all Americans, regardless of political party or philosophy, should share. I don't know how any parent, any grandparent, or any relative ever gets over the horrific disaster of Newtown.

I thank our ranking Republican on the Judiciary Committee, Senator GRASSLEY. He worked with us, and he

favorably supported two of the measures reported by the Judiciary Committee last month. Senator GRASSLEY helped make sure we had hearings that were substantive and that we had a schedule so we could vote.

I commend Senator COLLINS, who has been my partner as we have moved forward with legislation to combat illegal gun trafficking and straw purchasers who obtain firearms legally but then provide them to criminals and gangs. We have been joined in that bipartisan effort by Senators DURBIN, GILLIBRAND, KIRK, KLOBUCHAR, FRANKEN, BLUMENTHAL, SHAHEEN, and KING.

Our bill is intended to give law enforcement better and more effective tools. A bipartisan majority of the Judiciary Committee voted for the Stop Illegal Trafficking in Firearms Act, S. 54. It has provisions that are included in the Safe Communities, Safe Schools Act, S. 649, which Majority Leader REID placed on the Senate calendar just before the last recess and on which he has now moved to proceed.

Straw purchasers get around the purpose of the background check system. Straw purchasing of firearms is undertaken for just one reason: to get a gun into the hands of someone who is legally prohibited from having one.

We know that many guns used in criminal activities are acquired through straw purchases. It was a straw purchaser who enabled the brutal murders of two brave firefighters in Webster, NY, this past Christmas Eve, and it was a straw purchaser who provided firearms to an individual who murdered a police officer in Plymouth Township, PA, last September. Is it any wonder that law enforcement across this country says: Stop the straw purchasing. We are losing too many brave men and women in law enforcement, to say nothing about all the others who have been killed by drug and criminal cartels.

We need a meaningful solution to this serious problem. We have included suggestions from Senator GILLIBRAND to go after those who traffic in firearms by wrongfully obtaining two or more firearms. We worked hard to develop effective, targeted legislation to help combat a serious problem. We are doing it in a way that protects the second amendment rights of law-abiding Americans.

It was an ATF whistleblower who testified in the last Congress that the existing firearm laws are "toothless." We can create better law enforcement tools, and that is what we are doing with the Stop Illegal Trafficking in Firearms Act. I urge all Senators to join with us and close this dangerous loophole in the law that Mexican drug cartels, gangs, and other criminals throughout our country have exploited for too long.

I wish to recognize the dedication and leadership of Senator COLLINS of Maine to confront the issue of gun violence. She is not a member of the Judiciary Committee, but she has been

committed to finding commonsense solutions to the problems of gun violence. She has been dedicated in working with me to address the concerns of other Senators. She and I share a deep respect for the second amendment. We also agree our laws can be improved to give law enforcement officials the tools they need, and she has been a steadfast partner.

Our bill protects second amendment rights of lawful gun owners, but at the same time it cracks down on criminals. It also cracks down on the people who assist criminals. It doesn't create a national firearms registry, it doesn't place additional burdens on law-abiding gun owners or purchasers, but it does send a very clear message that those who buy a gun on behalf of a criminal or member of a drug cartel or domestic abuser will be held accountable. That is why law enforcement says: Pass this bill. Give those of us in law enforcement who are on the frontlines the tools we need.

Some have expressed frustration about the level of prosecution under existing gun laws. Some have suggested that instead of making sensible changes to our public safety laws to prevent gun violence, Federal law enforcement officials should focus exclusively on existing laws. I share some of that frustration, but it is not a valid excuse to do nothing. Improvements in the enforcement of existing laws and efforts to give law enforcement officials better tools to do their jobs are not mutually exclusive. Those are efforts that complement each other.

A recent article in the Washington Times documented that gun prosecutions were in decline beginning in the Bush administration and suggests that having a Senate-confirmed Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives would significantly help law enforcement.

Mr. President, I ask unanimous consent that a copy of the article be printed in the RECORD at the conclusion of my statement.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

[From the Washington Times, Apr. 4, 2013]

#### DROP-OFF IN GUN PROSECUTIONS BEGAN BEFORE OBAMA

(By David Sherfinski)

Gun rights groups have singled out President Obama for failing to prosecute gun crimes, but the drop in cases filed actually began a decade ago under the Bush administration.

Analysts said the decade long drop underscores the key ingredient in gun prosecutions—a willingness to make them a priority.

Prosecutions dipped at the beginning of the Clinton administration but by 1998 had begun to rise again, tripling between then and 2004, when the federal government filed more than 11,000 cases. Since then, however, prosecutions have steadily fallen again, dipping below 8,000 prosecutions a year over the last three years.

Now, in the wake of last year's shooting spree that claimed the lives of 20 schoolchildren and six adults at Sandy Hook Elementary, all sides in the gun debate say they

want to see the laws on the books enforced. But the experience of the last 10 years suggests that's easier said than done.

"Presidents and administrations—their priorities are based partly in their ideology and their policy interests, and to a certain extent by the issues of the day," said John Hudak, a fellow at the Brookings Institution who studies gun policy.

Looking at trends over the last quarter century, two emerge: First, there were two annual peaks in gun prosecutions, both of them under Republican presidents, in 1992 and 2004. Second, even though prosecutions have dropped in recent years, the yearly number of gun cases is still much higher now than in the pre-9/11 era, according to the Transactional Records Access Clearinghouse (TRAC) at Syracuse University, which tracks the numbers.

What's tougher to explain is exactly why prosecutions had a several-year spike at the end of the Clinton administration and the beginning of President George W. Bush's tenure.

Mr. Hudak said the 1999 Columbine school shooting may have spurred an increase in prosecutions, and so could the spate of terrorist attacks in 1998, 2000 and, finally, the Sept. 11 attacks on New York and Washington.

And David Chipman, a former agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), said some of the increase may have been due to a Justice Department program that started in 2001 and targeted gun crimes in localities across the country.

"That kind of commitment put a lot of numbers on the board," said Mr. Chipman, who works with the gun-control group Mayors Against Illegal Guns. "I think it worked as designed, which is to create a deterrent."

The ATF, perhaps unfairly, began to receive criticism after the increase that some of their efforts were duplicative, and officials had to re-prioritize, Mr. Chipman said.

"You can't just prosecute 20,000 cases in one year—there just isn't that infrastructure," he said.

"Any kind of looking at the numbers and drawing some sort of conclusion that people are doing more or less—you've got to get beyond that. Because you could be comparing apples and oranges."

Gun prosecutions require both cases to be developed by investigators, and charges to be filed by prosecutors.

The TRAC study's numbers said prosecutors turned down 38 percent of referrals in 2002, while last year they declined 32 percent of referrals.

That puts much of the focus on ATF, the lead agency for developing the cases.

Mr. Hudak said one factor in recent decline could be the fact that ATF has been without a permanent director for six years. In January, Mr. Obama nominated acting agency director B. Todd Jones to become its permanent head, but Mr. Jones is still awaiting Senate confirmation.

"The lack of leadership has its effects on priorities," Mr. Hudak said. "And the ATF has such a diverse area of law enforcement that they have to make choices about what they prosecute."

In the wake of last year's shooting rampage at Sandy Hook Elementary School, gun-rights groups have argued the solution is more prosecutions of gun crimes, not more restrictions on law-abiding firearms owners.

"Prosecuting criminals who misuse firearms works," NRA CEO Wayne LaPierre testified to Congress earlier this year. "Unfortunately, we've seen a dramatic collapse in federal gun prosecutions in recent years. That means violent felons, gang members and the mentally ill who possess firearms are

not being prosecuted. And that's unacceptable."

Attorney General Eric H. Holder, Jr. told the Senate Judiciary Committee earlier this year that prosecuting gun crimes is part of the answer and can serve as a deterrent, but that preventing people who acquire guns to commit crimes from getting them in the first place is crucial as well.

"We have limited resources and we have to try to figure out where we want to use those limited resources, and one has to look at why the gun was denied, and then make a determination whether or not we should use those limited resources to bring a prosecution against that person," Mr. Holder said, referring to people who have been denied firearms because of the FBI's National Instant Criminal Check System (NICS).

Mr. Chipman acknowledged that with different administrations, ideologies, result in different priorities, which could affect the numbers, but he cautioned that drawing conclusions about causes and effects can be risky.

"You can't possibly know what those numbers mean until you layer the political environments at the time and the cases being pursued," he said.

Both Mr. Hudak and Mr. Chipman discounted one potential reason for the spike in prosecutions—the 1994 enactment of a ban on military-style semiautomatic rifles. That ban ran from 1994 until its expiration in 2004, and those latter years coincide with the recent peak, which started in 1998.

But the analysts said that was likely unrelated.

"The assault weapons ban was a shell of what the original writers intended it to be," Mr. Hudak said. "I can't imagine there would be a four-year lag in the effect of the assault weapons ban on prosecutions."

Mr. LEAHY. As I said in January, America is looking to us for solutions, for action, not sloganeering, demagoguery, or partisanship. That is why it is disappointing to hear that some Senators pledge to prevent Senate consideration of these proposals by a filibuster. It is especially disappointing that some who claim to support regular order and a transparent legislative process accord that process no deference.

Mr. President, there are only 100 of us who have the privilege to serve at any given time in this wonderful body. We represent 325 million Americans. How can we talk to those Americans and say: We won't even vote. We won't even let it come to a vote. We don't have the guts to stand up and vote yes or no.

Tell that to the families in Newtown, CT. Tell that to the families in Aurora, CO. Tell that to the people of the United States, that the Senate is not willing to stand up and vote either yes or no; they want to vote maybe.

I am a gun owner. I live in a State with a lot of gun owners. I have the courage to stand here and vote. I want to vote. Some will disagree, but this Senator feels it is part of his sworn duty to vote—vote yes, vote no, but vote.

In the Judiciary Committee, we held three public hearings and four public markups on this legislation. We gave them full and fair consideration. We debated and considered amendments—

Democratic and Republican amendments. The distinguished Presiding Officer is a member of that committee. He knows the debate we had and the votes we held. What a filibuster would do now is obstruct the open process of the Senate consideration of gun violence prevention legislation, and it is wrong. It is absolutely wrong. It demeans the Senate, and it turns our backs on 325 million Americans who expect better.

I have worked with Senator COLLINS and others to provide a real-world and commonsense solution to the problem of gun trafficking and straw purchasing. That is the course I urge the Senate to take. Let's go forward and vote. Vote yes, vote no, but vote. Have the courage to vote. Don't turn our backs on the families who have suffered so much.

Mr. President, I ask unanimous consent that my full statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. LEAHY. Mr. President, four months after that horrific day in Newtown, where 20 children and 6 educators were senselessly murdered, the Senate is poised to make further progress toward the goal of reducing gun violence. It is a goal that all Americans, regardless of political party, should share.

I want to thank our ranking Republican on the Judiciary Committee, Senator GRASSLEY, for working with us and supporting two of the measures favorably reported by the Judiciary Committee last month. I commend Senator COLLINS, who has been my partner, as we have moved forward with legislation to combat illegal gun trafficking and straw purchasers who obtain firearms to provide them to criminals and gangs. We have been joined in that bipartisan effort by Senators DURBIN, GILLIBRAND, KIRK, KLOBUCHAR, FRANKEN, BLUMENTHAL, SHAHEEN, and KING.

Our bill is intended to give law enforcement better and more effective tools. A bipartisan majority of the Judiciary Committee voted for the Stop Illegal Trafficking in Firearms Act, S. 54, and its provisions are included in the Safe Communities, Safe Schools Act, S. 649, that Majority Leader REID placed on the Senate calendar just before the last recess and on which he has now moved to proceed.

Straw purchasers circumvent the purposes of the background check system. Straw purchasing firearms is undertaken for one reason—to get a gun into the hands of someone who is legally prohibited from having one. We know that many guns used in criminal activities are acquired through straw purchases. It was a straw purchaser who enabled the brutal murders of two brave firefighters in Webster, NY this past Christmas Eve, and it was a straw purchaser who provided firearms to an individual who murdered a police officer in Plymouth Township, PA, last September.

We need a meaningful solution to this serious problem. We also include suggestions from Senator GILLIBRAND to go after those who traffic in firearms by wrongfully obtaining two or more firearms. We worked hard to develop effective, targeted legislation that will help combat a serious problem and that will do no harm to the Second Amendment rights of law-abiding Americans.

It was an ATF whistleblower who testified last Congress that the existing firearms laws are “toothless”. We can create better law enforcement tools and that is what we are doing with the Stop Illegal Trafficking in Firearms Act. I urge all Senators to join with us to close this dangerous loophole in the law that Mexican drug cartels, gangs, and other criminals have exploited for too long.

I especially want to recognize the dedication and leadership of Senator COLLINS to confront the issue of gun violence. Although not a member of the Judiciary Committee, she has been committed to finding commonsense solutions to the problem of gun violence. Senator COLLINS has been dedicated in working with me to address the concerns of other Senators. She and I share a deep respect for the Second Amendment, but we also agree that our laws can be improved to give law enforcement officials the tools they need to help curtail gun violence. She has been a steadfast partner.

Our bill protects Second Amendment rights of lawful gun owners, while cracking down on criminals and those who would assist them. The bill does not create a national firearms registry, nor does it place any additional burdens on law-abiding gun owners or purchasers. It sends a clear message that those who would buy a gun on behalf of a criminal, a member of a drug cartel, or a domestic abuser will be held accountable. That is why our bill is strongly supported by law enforcement.

Some have expressed frustration about the level of prosecutions under existing gun laws. And some have suggested that instead of making sensible changes to our public safety laws to prevent gun violence, Federal law enforcement officials should focus exclusively on existing laws. I share some of that frustration, but I do not agree it is a valid excuse for us to do nothing. Improvements in the enforcement of existing laws and efforts to give law enforcement officials better tools to do their jobs are not mutually exclusive, those efforts complement each other.

A recent article in The Washington Times documented that gun prosecutions were in decline beginning in the Bush administration, and suggests that having a Senate-confirmed director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives would significantly help law enforcement.

As I said in January, Americans are looking to us for solutions and for action, not sloganeering, demagoguery,

or partisanship. That is why it is particularly disappointing to hear that some Senators are pledging to prevent Senate consideration of these legislative proposals by filibustering. It is especially disappointing that some who claim to support regular order and a transparent legislative process accord that process no deference. The Judiciary Committee held three public hearings and four public markups on this legislation. It gave them full and fair consideration. We debated and considered amendments. What a filibuster would do now is obstruct the open process of Senate consideration of gun violence prevention legislation. That is wrong.

I have worked with Senator COLLINS and others to provide a real world, common sense solution to the problem of gun trafficking and straw purchasing. That is the course I urge the Senate to take. We need to proceed to the bill and do what is best for the American people.

#### TRIBUTE TO COLONEL STEVE STROBRIDGE

Mr. LEVIN. Madam President, I rise today to pay tribute to Colonel Steve Strobridge, USAF, Retired, in recognition of his distinguished service to his country.

For nearly 44 years, first for 24 years in the Air Force, and concluding with 19 years with the Military Officers Association of America, Colonel Strobridge has worked tirelessly for the men and women of the military, their families, veterans and their survivors.

Raised in Vergennes, VT, Colonel Strobridge entered the United States Air Force in 1969 as a second lieutenant following graduation from ROTC at Syracuse University.

After several assignments as a personnel officer and commander in Texas, Thailand, and North Carolina, he was assigned to the Pentagon from 1977 to 1981 as a compensation and legislation analyst at Headquarters USAF. Following assignments as Chief, Officer Assignments and Assistant for Senior Officer Management at HQ, U.S. Air Forces in Europe, he was selected to attend the National War College at Fort McNair in 1985.

Colonel Strobridge served as Deputy Director and then as Director, Officer and Enlisted Personnel Management in the Office of the Secretary of Defense from 1986–1989. In this position, he was responsible for establishing Department of Defense policy on military personnel promotions, utilization, retention, separation, and retirement. In June 1989, he returned to Headquarters USAF as Chief of the Entitlements Division, assuming responsibility for Air Force policy on all matters involving pay and entitlements, including military retirement system and survivor benefits, and all legislative matters affecting active and retired military members and their families.



Following his retirement from the Air Force in January 1994, Colonel Strobbridge joined the Retired Officers Association of America and served as Deputy Director and since 2001 he has served as Director of Government Relations for the Military Officers Association of America, MOAA.

Under Colonel Strobbridge's professional stewardship, MOAA has played a vital role as a principal advocate of legislative initiatives to improve readiness and the quality of life for all members of the uniformed service community—active, reserve, and retired, as well as their families.

Defense News noted recently that “no major [military] personnel-related legislation has been enacted since 1994 without Colonel Strobbridge's imprint.”

Colonel Strobbridge has worked closely with, and has been a valuable resource for, the U.S. Senate and the Senate Armed Services Committee in particular as we enacted a wide range of benefit improvements for our military personnel. He provided input or support for legislative proposals on a wide range of issues, including TRICARE for Life; the elimination of VA disability pay offsets to military retired pay for many retirees; restoration of full cost of living adjustments to retired pay; elimination of the offset to survivor annuities by Social Security payments; TRICARE benefits for reserve families; and many other initiatives that have been invaluable in improving the long-term retention in our Armed Forces.

Colonel Strobbridge's long and distinguished career of leadership and personal dedication to fostering readiness by protecting every servicemember's welfare is an inspiration and a continuing lesson to all who care about the men and women of our military. My best wishes go with him and his family.

Colonel Strobbridge, on the occasion of your retirement as Director of Government Relations for the Military Officers Association of America, I salute you on behalf of all the men and women, past and present, who wear the uniform.

#### THANKING STAFF

Mrs. MURRAY. Madam President, on Saturday, March 23, 2013, the Senate passed the budget, S. Con. Res. 8. In my statement, I thanked a few members of my staff and I would like to acknowledge the rest of my dedicated staff who worked tirelessly to pass the Senate budget:

Jeannie Biniek, Sarah Bolton, Michael Branson, Alex Brosseau, Dave Brown, Paula Burg, Josh Caplan, Stephanie Cherkezian, Ally Coll, Brendon Dorgan, Amy Edwards, Robert Etter, Jennifer Hanson, Helen Hare, Robyn Hiestand, Mike Jones, Amaia Kirtland, Tyler Kruzich, Zach Moller, Michael Oleyar, Farouk Ophaso, Jason Park, Miles Patrie, Ryan Pettit, John Righter, Josh Ryan, Evan Schatz, Brian Scholl, Emily Sharp, Eli Zupnick.

Steven Bergsbaken, Shawn Bills, Scott Cheney, Beth Chrusciel, Sean Coit, Jake

Cornett, Carole Cory, Katherine Dapper, Ariel Evans, John Fogarty, Megan Foster, Emma Fulkerson, Adam Goodwin, Dabney Hegg, Alex Keenan, Zach Mallove, Matt McAlvanah, Megahan McCarthy, Ben Merkel, Rachel Milberg, Silke Mounts, James O'Brien, Molly O'Rourke, Lauren Overman, David Prestwood, Stacy Rich, Kathryn Robertson, Meghan Roh, Alexa Seidl, Mike Spahn, Anna Sperling, Michael Waske.

#### POLITICAL IMPRISONMENT IN UKRAINE

Mr. CARDIN. Madam President. I would like to address the current situation in Ukraine, an important country in the heart of Europe, a bellweather for democratic development in the region, and the current Chairman-in-Office of the OSCE.

Let me first welcome the release from prison Sunday of former Ukrainian Minister of Internal Affairs and leading opposition figure Yuri Lutsenko. Mr. Lutsenko had been convicted on politically motivated charges and incarcerated since December 2010. President Yanukovich's pardon of Mr. Lutsenko is an encouraging step in the right direction. I also welcome the pardon of former Environment Minister Heorhiy Filipchuk, who also served as a member of Ms. Tymoshenko's Cabinet and had been released last year after his sentence was suspended. By pardoning Mr. Lutsenko and Mr. Filipchuk, President Yanukovich is indicating not only a willingness to resolve what has been a major irritant in Ukraine's relations with the United States and the EU, but also a stain on Ukraine's democratic credentials.

At the same time, I remain deeply concerned about the politically motivated imprisonment of Ukrainian opposition figure and former Prime Minister Yulia Tymoshenko, who has been incarcerated since August 2011.

Mrs. Tymoshenko's case stands out as a significant illustration of Ukraine's backsliding with respect to human rights, democracy, and the rule of law since she was defeated by President Yanukovich in February 2010. The United States, EU, and Canada have repeatedly expressed concerns about the application of selective justice against political opponents, their flawed trials, conditions of detention, and the denial of their ability to participate in last October's parliamentary elections.

As Chairman of the Helsinki Commission, which has long been committed to Ukraine's independence and democratic development, I am especially mindful of Ukraine's 2013 OSCE chairmanship. Like any Chair-in-Office, Ukraine faces formidable tasks in leading a multilateral organization that operates on the basis of consensus, which includes 57 countries ranging from mature democracies to oppressive dictatorships. The United States wants Ukraine to succeed, but the reality is that the politically motivated imprisonment of Ms. Tymoshenko casts a cloud over its chairmanship. A Chair-

in-Office must itself have strong democratic credentials if it is to succeed in encouraging reform in other countries.

Furthermore, democratic regression in Ukraine has harmed U.S.-Ukrainian bilateral relations, preventing a traditionally strong partnership from realizing its full potential. It has also slowed down the process of Ukraine's drawing closer to the EU, which is that country's stated foreign policy priority, manifested in the still-delayed signing of the EU-Ukraine Association Agreement. More than half a year has gone by since the unanimous adoption of S. Res. 466, calling for the release of Yulia Tymoshenko.

The Ukrainian authorities now need to follow up on the important step they have taken in freeing Yuri Lutsenko. They need to free Ms. Tymoshenko and restore her civil and political rights. By demonstrating commitment to the rule of law and human rights principles embodied by the OSCE, Ukraine will strengthen the credibility of its chairmanship and show it is serious about being a full-fledged member of the democratic community of nations.

I strongly urge the Ukrainian government to resolve the case of Ms. Tymoshenko.

#### HONOR FLIGHT 2013

Mr. BEGICH. Madam President, in April, the participants in the 2013 Honor Flight will be traveling to Washington, DC, to visit memorials of World War II, Vietnam war and the Korean war, as well as the Lincoln Memorial on The National Mall.

I would like to record the names of the World War II veterans selected for this trip: Ms. Hallie Odessa Dixon from Anchorage, who served in the Navy as a telegrapher 2nd Class and also worked as a cryptographic aide. Mr. Chelton S. Feeny from Anchorage, who served in the Army as a private first class, participated in the Army Specialized Training Program at Princeton University, and also worked as a medic on hospital trains. Mr. Dietrich L. Strohmaier from Fairbanks, who served in the Army as a private first class, 25th Division, 35th Regiment and also served briefly in Hollandia, New Guinea, and the Philippines as part of a seven-man recon squad, and later in Japan as part of the Occupation Forces. Mr. Dale Joseph Trombley from Soldotna, who served in the Army Air Corps as a major and B-17 pilot in the 452nd Bomb Group, 730th Air Mobility Squadron, and Mr. John Walker from Soldotna who served in the Army as a sergeant, 2nd Division and 1st Army at Omaha Beach, Belgium and in Germany.

I would also like to make special mention of a Korean war veteran, Mr. William Ladd McBride, from Fairbanks, who has been selected for the trip as well. His vision is failing and it is his fervent wish to see 'his' memorial while he still can with his own eyes. Mr. McBride joined the Army in

1952 and served during the Korean conflict as a photographer for intelligence. He continued his service in the Army Reserves for a total of 12 years, with a final rank of staff sergeant. In 1961 he joined the Navy Reserves, leaving after 6 years with a final rank of intelligence specialist senior chief.

Each of these veterans has my thanks for their service and I very much appreciate the staff, volunteers, and supporters of the Honor Flight program who make these trips happen.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DARRELL MUELLER

• Mr. JOHNSON of South Dakota. Madam President, today I offer my heartfelt thanks to an educator who has been committed to the wellbeing of the children of my State.

At the close of this school year, Darrell Mueller will retire as superintendent of the Andes Central School District, concluding a career in education of over 30 years. After earning his bachelor's degree in elementary school education in 1979, Darrell began teaching elementary school in Nebraska in 1980. In 1982 he moved to Yankton, SD where he served as a teacher and principal at Sacred Heart School. While serving as a principal and teacher, he completed a master's degree in elementary administration at the University of South Dakota in 1984. From 1988 to 2006, Darrell was the principal of Platte Elementary School. He was chosen as a 2004 Milken Educator for his dedication to teaching and his leadership in the field. In 2006, Darrell accepted the position of superintendent of the Andes Central School District.

As superintendent of the Andes Central School District, Darrell has been a strong advocate for the integration of technology in the classroom. The use of technology has enriched and broadened the educational opportunities for students within the school district. Under Darrell's leadership, the district now enjoys a child to laptop ratio of 2 to 1 in grades kindergarten through 6 and 1 to 1 in grades 7 to 12. Darrell has also sought to expand access to quality early childhood education during his tenure as superintendent. Through working with the local Head Start, Andes Central was able to combine services to create a more comprehensive preschool program for its students.

While serving as superintendent of Andes Central, Darrell implemented a system to monitor student progress using curriculum-based measurement. When the South Dakota Department of Education began developing a new statewide accountability model for measuring student achievement, it sought Darrell's expertise. He has made valuable contributions to this effort as a member of the Next Generation Accountability Council.

Darrell is currently serving as the president of the Impacted Schools of

South Dakota. As a leader within our State's Impact Aid community, Darrell and I have met on many occasions, and I have appreciated his insights related to public policy and funding for the Impact Aid program.

Darrell's passion for his community extends far beyond the classroom. He serves as the vice president of the Charles Mix County Lake Restoration Organization, a nonprofit group formed to restore the condition of Lake Andes. Through the work of concerned local citizens like Darrell, they hope to improve and preserve the beauty of Lake Andes for many generations to come. The local economy, the area's environment and wildlife, and the recreational opportunities for the surrounding community have been improved by these efforts.

Darrell is regularly known to say, "It's all about what's right for the kids." This motto represents one of Darrell's guiding principles and has served as words of advice for the many educators, administrators, and school personnel who Darrell has mentored over the years. Darrell will leave a lasting legacy within the Andes Central School District and in the lives of countless young people. On the occasion of his retirement, I congratulate and thank Darrell for his service to his community and selfless dedication to students in South Dakota. I wish him, his wife Diane, and their family a happy and healthy retirement.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 680. A bill to rescind amounts appropriated for fiscal year 2013 for the Department of Defense for the Medium Extended Air Defense System, and for other purposes.

S. 691. A bill to regulate large capacity ammunition feeding devices.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-944. A joint communication from the Acting Principal Secretary of the Navy (En-

ergy, Installations and Environment) and the Secretary of Agriculture, transmitting, pursuant to law, a report entitled "Land Interchange of Federal Jurisdiction Between USDA Forest Service and the Department of the Navy"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-945. A communication from the Secretary of the Department of Agriculture, transmitting pursuant to law, the 2012 Packers and Stockyards Program Annual Report; to the Committee on Agriculture, Nutrition, and Forestry.

EC-946. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Live Birds and Poultry, Poultry Meat, and Poultry Products From a Region in the European Union" (RIN0579-AD45) (Docket No. APHIS-2009-0094) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-947. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Food Ingredients and Sources of Radiation Listed and Approved for Use in the Production of Meat and Poultry Products" (RIN0583-AD05) received during adjournment of the Senate in the Office of the President of the Senate on March 27, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-948. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Abamectin; Pesticide Tolerances" (FRL No. 9379-1) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-949. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Banda de Lupinus albus doce (BLAD); Exemption from the Requirement of a Tolerance" (FRL No. 9380-6) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-950. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emamectin Benzoate; Pesticide Tolerance" (FRL No. 9381-4) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-951. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerances" (FRL No. 937-3) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-952. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clothianidin; Pesticide Tolerances" (FRL No. 9378-6) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-953. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Castor Oil, Polymer with Adipic

Acid, Linoleic Acid, Oleic Acid and Ricinoleic Acid Tolerance Exemption)" (FRL No. 9381-2) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-954. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumioxazin; Pesticide Tolerances" (FRL No. 9381-7) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2013; to the Committee on Agriculture, Nutrition, and Forestry.

EC-955. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; United States-Korea Free Trade Agreement" ((RIN0750-AH69) (DFARS Case 2012-D025)) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Armed Services.

EC-956. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Proposal Adequacy Checklist" ((RIN0750-AH47) (DFARS Case 2011-D042)) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Armed Services.

EC-957. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Specialty Metals-Definition of 'Produce'" ((RIN0750-AH78) (DFARS Case 2012-D041)) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Armed Services.

EC-958. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; New Free Trade Agreement with Colombia" ((RIN0750-AH72) (DFARS Case 2012-D032)) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Armed Services.

EC-959. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General John R. Allen, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-960. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of major general and brigadier general, respectively, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-961. A communication from the Acting Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General William J. Rew, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-962. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Daniel P. Bolger, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-963. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting the report of four (4) officers authorized to wear the insignia of the grade of real admiral or rear admiral (lower half), as indicated, in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-964. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan for fiscal year 2014 and the succeeding 4 years, fiscal years 2015-2018; to the Committee on Armed Services.

EC-965. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Secretary's personnel management demonstration project authorities for Department of Defense Science and Technology Reinvention Laboratories; to the Committee on Armed Services.

EC-966. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the utilization of a contribution to the Cooperative Threat Reduction (CTR) Program; to the Committee on Armed Services.

EC-967. A communication from the Acting Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Foreign Language Skill Proficiency Bonus program; to the Committee on Armed Services.

EC-968. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report entitled "Report on Cooperative Threat Reduction Programs in Russia"; to the Committee on Armed Services.

EC-969. A communication from the Acting Principal Deputy, Office of the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the 2012 annual report relative to the STARBAS Program; to the Committee on Armed Services.

EC-970. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "The Department of Defense Evaluation of the TRICARE Program: Access, Cost and Quality Fiscal Year (FY) 2013"; to the Committee on Armed Services.

EC-971. A communication from the President of the United States, transmitting, pursuant to law, a notice of the continuation of the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-972. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 13224 of September 23, 2001, with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC-973. A communication from the Assistant General Counsel, General Law, Ethics, and Regulation, Department of the Treasury, transmitting, pursuant to law, (4) reports relative to vacancies within the Department of the Treasury, received in the Office of the President of the Senate on March 22, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-974. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2012 Annual Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC-975. A communication from the Chairman and President of the Export-Import

Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the United Arab Emirates (UAE); to the Committee on Banking, Housing, and Urban Affairs.

EC-976. A communication from the Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to Rule Filing Requirements for Dually-Registered Clearing Agencies" received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-977. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Chartering and Field of Membership Manual for Federal Credit Unions" (RIN3133-AE02) received during adjournment of the Senate in the Office of the President of the Senate on March 28, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-978. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List; Removal of Person From the Entity List Based on Removal Request; Implementation of Entity List Annual Review Changes" (RIN0694-AF89) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-979. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Disclosures at Automated Teller Machines (Regulation E)" ((RIN3170-AA36) (Docket No. CFPB-2013-0006)) received during adjournment of the Senate in the Office of the President of the Senate on March 27, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-980. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending (Regulation Z)" ((RIN3170-AA21) (Docket No. CFPB-2012-0015)) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-981. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-982. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Banking, Housing, and Urban Affairs.

EC-983. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2012 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-984. A communication from the Acting General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled “Standards for Business Practices and Communication Protocols for Public Utilities” (RIN1902-AE50) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2013; to the Committee on Energy and Natural Resources.

EC-985. A communication from the Acting Assistant Secretary of Land and Minerals Management, Bureau of Safety and Environmental Enforcement, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Revisions to Safety and Environmental Management Systems” (RIN1014-AA04) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2012; to the Committee on Energy and Natural Resources.

EC-986. A communication from the Director of the Sustainability Performance Office, Department of Energy, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department's Fleet Alternative Fuel Vehicle Acquisition Report for fiscal year 2009 and fiscal year 2010; to the Committee on Energy and Natural Resources.

EC-987. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Significant New Use Rules on Certain Chemical Substances; Technical Amendment” (FRL No. 9382-2) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Environment and Public Works.

EC-988. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Disapproval and Promulgation of Air Quality Implementation Plans; Colorado; Revision to Definitions; Common Provisions Regulation” (FRL No. 9284-4) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Environment and Public Works.

EC-989. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Ohio; Particulate Matter Standards” (FRL No. 9783-5) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Environment and Public Works.

EC-990. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for the 1997 8-Hour Ozone National Ambient Air Quality Standard” (FRL No. 9795-3) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Environment and Public Works.

EC-991. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Arkansas; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revisions” (FRL No. 9795-4) received during adjourn-

ment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Environment and Public Works.

EC-992. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Air Quality Implementation Plans; Virginia; Transportation Conformity Regulations” (FRL No. 9795-6) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Environment and Public Works.

EC-993. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri” (FRL No. 9795-2) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Environment and Public Works.

EC-994. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, Santa Barbara and San Diego County Air Pollution Control Districts” (FRL No. 9794-4) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2013; to the Committee on Environment and Public Works.

EC-995. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Mississippi; 110(a)(2)(e)(ii) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards” (FRL No. 9798-6) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2013; to the Committee on Environment and Public Works.

EC-996. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Region 4 States; Prong 3 of Section 110(a)(2)(D)(i) Infrastructure Requirement for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards” (FRL No. 9799-8) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2013; to the Committee on Environment and Public Works.

EC-997. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, Butte County Air Quality Management District and Sacramento Metropolitan Air Quality Management District” (FRL No. 9776-8) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2013; to the Committee on Environment and Public Works.

EC-998. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Approval and Promulgation of Implementation Plans; Georgia; New Source Review-Prevention of Significant Deterioration” (FRL No. 9798-5) received during adjournment of the Senate in the Office of the

President of the Senate on April 4, 2013; to the Committee on Environment and Public Works.

EC-999. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, Santa Barbara County Air Pollution Control District and South Coast Air Quality Management District” (FRL No. 9776-6) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2013; to the Committee on Environment and Public Works.

EC-1000. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, Antelope Valley Air Quality Management District and Monterey Bay Unified and Santa Barbara County Air Pollution Control Districts” (FRL No. 9778-4) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2013; to the Committee on Environment and Public Works.

EC-1001. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Disapproval of Implementation Plan Revisions; State of California; South Coast VMT Emissions Offset Demonstrations” (FRL No. 9794-5) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Environment and Public Works.

EC-1002. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Revisions to the California State Implementation Plan, South Coast Air Quality Management District” (FRL No. 9785-6) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Environment and Public Works.

EC-1003. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Consideration of Certain New Source Issues. . . .” (FRL No. 9789-5) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1004. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Delegation of National Emission Standards for Hazardous Air Pollutants for the States of Kentucky and Louisiana, Correcting Amendments” (FRL No. 9796-8) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1005. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Adequacy of Oregon Municipal Solid Waste Landfill Permit Program” (FRL No. 9796-6) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1006. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled “Protection of Stratospheric Ozone: Adjustments to the Allowance System for

Controlling HCFC Production, Import, and Export" (FRL No. 9797-5) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1007. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Idaho: Sandpoint PM10 Nonattainment Area Limited Maintenance Plan and Redesignation Request" (FRL No. 9796-5) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1008. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; South Carolina: New Source Review-Prevention of Significant Deterioration" (FRL No. 9797-1) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1009. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Water Quality Standards; Withdrawal of Certain Federal Water Quality Criteria Applicable to California, New Jersey and Puerto Rico" (FRL No. 9795-8) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1010. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Determinations of Attainment of the 1997 8-Hour Ozone Standard for the Pittsburgh-Beaver Valley Moderate Nonattainment Area" (FRL No. 9797-8) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1011. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Motor Vehicle Emissions Budgets for the Pennsylvania Counties in the Philadelphia-Wilmington, PA-NJ-DE 1997 Fine Particulate Matter Nonattainment Area" (FRL No. 9796-3) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1012. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida; Prong 3 of Section 110(a)(2)(D)(i) Infrastructure Requirement for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9797-4) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1013. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air

Quality Implementation Plans; Ohio; Ohio Ambient Air Quality Standards; Correction" (FRL No. 9783-6) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1014. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Greenhouse Gas Reporting Rule: Revision to Best Available Monitoring Method Request Submission Deadline for Petroleum and Natural Gas Systems Source Category (Withdrawal of Direct Final Rule)" (FRL No. 9796-9) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Environment and Public Works.

EC-1015. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL) for a report entitled "Underground Injection Control (UIC) Program: Class VI Well Testing and Monitoring Guidance"; to the Committee on Environment and Public Works.

EC-1016. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: MAGNASTOR System" (RIN3150-AJ22) received during adjournment of the Senate in the Office of the President of the Senate on March 27, 2013; to the Committee on Environment and Public Works.

EC-1017. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Scope Expansion of the Post-Investigation Alternative Dispute Resolution Program" (NRC-2013-0046) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Environment and Public Works.

EC-1018. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Event Report Guidelines 10 CFR 50.72 and 50.73" (NUREG-1022) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Environment and Public Works.

EC-1019. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Guidelines for Effective Prevention and Management of System Gas Accumulation" (Final Safety Evaluation for Nuclear Energy Institute Topical Report NEI 09-10, Revision 1a) received during adjournment of the Senate in the Office of the President of the Senate on March 26, 2013; to the Committee on Environment and Public Works.

EC-1020. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Increased Federal Medical Assistance Percentage Changes under the Affordable Care Act of 2010" (RIN0938-AR38) received during adjournment of the Senate in the Office of the President of the Senate on April 1, 2013; to the Committee on Finance.

EC-1021. A communication from the Director, Office of Regulations and Report Clearance, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Evaluating Visual Disorders" (RIN0960-AH28) received in the Office of the President of the

Senate on March 21, 2013; to the Committee on Finance.

EC-1022. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Ninety-Day Waiting Period Limitation and Technical Amendments to Certain Health Coverage Requirements Under the Affordable Care Act" (RIN0938-AR77) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Finance.

EC-1023. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Announcement and Report Concerning Advance Pricing Agreements" (Announcement 2013-17) received during adjournment of the Senate in the Office of the President of the Senate on March 27, 2013; to the Committee on Finance.

EC-1024. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012 Section 45K Inflation Adjustment Factor" (Notice 2013-25) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Finance.

EC-1025. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Opinion and Advisory Letters for 403(b) Pre-approved Plans" (Revenue Procedure 2013-22) received during adjournment of the Senate in the Office of the President of the Senate on April 2, 2013; to the Committee on Finance.

EC-1026. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revised Exhibit: Acknowledgement Letter Voluntary Correction Program (VCP) Submissions" (Notice 2013-21) received during adjournment of the Senate in the Office of the President of the Senate on April 3, 2013; to the Committee on Finance.

EC-1027. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-038); to the Committee on Foreign Relations.

EC-1028. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-009); to the Committee on Foreign Relations.

EC-1029. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-041); to the Committee on Foreign Relations.

EC-1030. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-004); to the Committee on Foreign Relations.

EC-1031. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-016); to the Committee on Foreign Relations.

EC-1032. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the

Arms Export Control Act (DDTC 13-040); to the Committee on Foreign Relations.

EC-1033. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-045); to the Committee on Foreign Relations.

EC-1034. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-031); to the Committee on Foreign Relations.

EC-1035. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-005); to the Committee on Foreign Relations.

EC-1036. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-002); to the Committee on Foreign Relations.

EC-1037. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 13-036); to the Committee on Foreign Relations.

EC-1038. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(d) of the Arms Export Control Act (DDTC 13-022); to the Committee on Foreign Relations.

EC-1039. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 13-003); to the Committee on Foreign Relations.

EC-1040. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to sections 36(c) and 36(d) of the Arms Export Control Act (DDTC 13-032); to the Committee on Foreign Relations.

EC-1041. A communication from the Acting Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the extension of waiver authority for Azerbaijan; to the Committee on Foreign Relations.

EC-1042. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the activities of the Millennium Challenge Corporation during fiscal year 2012; to the Committee on Foreign Relations.

EC-1043. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2013-0033—2013-0048); to the Committee on Foreign Relations.

EC-1044. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Delay of Effective Date" (RIN1205-AB61) received during adjournment of the Senate in the Office of the President of the Senate on March 27, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-1045. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and

Human Services, transmitting, pursuant to law, the report of a rule entitled "World Trade Center Health Program Eligibility Requirements for Shanksville, Pennsylvania and Pentagon Responders" (RIN0920-AA48) received during adjournment of the Senate in the Office of the President of the Senate on March 27, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-1046. A communication from the Program Manager, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "National Practitioner Data Bank" (RIN0906-AA87) received during adjournment of the Senate in the Office of the President of the Senate on April 4, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-1047. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Change of Address; Biologics License Applications; Technical Amendment" (Docket No. FDA-2013-N-0011) received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-1048. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Listing of Color Additives Exempt From Certification; Reactive Blue 246 and Reactive Blue 247 Copolymers" (Docket Nos. FDA-2011-C-0344 and C-0463) received during adjournment of the Senate in the Office of the President of the Senate on April 5, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-1049. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Technical Amendment" (Docket No. FDA-2013-N-0011) received during adjournment of the Senate in the Office of the President of the Senate on March 28, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-1050. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Service of Process on Manufacturers; Manufacturers Importing Electronic Products into the United States; Agent Designation; Change of Address" (Docket No. FDA-2007-N-0091) received during adjournment of the Senate in the Office of the President of the Senate on March 28, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-1051. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Public Hearing Before a Public Advisory Committee; Technical Amendments" (Docket No. FDA-2013-N-0011) received during adjournment of the Senate in the Office of the President of the Senate on March 21, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-1052. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Family Violence Prevention and Services Program for fiscal years 2009-2010; to the Committee on Health, Education, Labor, and Pensions.

EC-1053. A communication from the Acting Chairman of the National Endowment for the Arts and a Member of the Federal Council on the Arts and the Humanities, transmitting, pursuant to law, the annual report on the Arts and Artifacts Indemnity Program for fiscal year 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-1054. A communication from the Chairman of the National Health Care Workforce Commission, transmitting, a report relative to the status of the Commission; to the Committee on Health, Education, Labor, and Pensions.

EC-1055. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Program Integrity Issues" (RIN1840-AD02) received in the Office of the President of the Senate on March 20, 2013; to the Committee on Health, Education, Labor, and Pensions.

EC-1056. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to Food and Drug Administration Advisory Committee Vacancies and Public Disclosures; to the Committee on Health, Education, Labor, and Pensions.

EC-1057. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation of funding for Overseas Contingency Operations/Global War on Terrorism; to the Committee on Appropriations.

EC-1058. A communication from the Chairman, Dwight D. Eisenhower Memorial Commission, transmitting, pursuant to law, a report relative to the memorial construction; to the Committee on Rules and Administration.

EC-1059. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Removal of 30-Day Residency Requirement for Per Diem Payments" (RIN2900-AO36) received in the Office of the President of the Senate on March 22, 2013; to the Committee on Veterans' Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself, Mr. ISAKSON, and Mr. PORTMAN):

S. 669. A bill to make permanent the Internal Revenue Service Free File program; to the Committee on Finance.

By Mrs. GILLIBRAND (for herself and Ms. COLLINS):

S. 670. A bill to improve Federal dairy programs; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. TESTER:

S. 671. A bill for the relief of Deniss Nikanorov; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself and Mr. COONS):

S. 672. A bill to amend title XVIII of the Social Security Act to provide for coverage, as supplies associated with the injection of insulin, of containment, removal, decontamination and disposal of home-generated needles, syringes, and other sharps through a sharps container, decontamination/destruction device, or sharps-by-mail program or similar program under part D of the Medicare program; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mrs. BOXER, Mr. MERKLEY, and Mr. WHITEHOUSE):



S. 673. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELLER:

S. 674. A bill to require prompt responses from the heads of covered Federal agencies when the Secretary of Veterans Affairs requests information necessary to adjudicate claims for benefits under laws administered by the Secretary, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. AYOTTE (for herself and Mr. BLUMENTHAL):

S. 675. A bill to prohibit contracting with the enemy; to the Committee on Homeland Security and Governmental Affairs.

By Mr. NELSON (for himself, Mrs. FEINSTEIN, Mr. SCHUMER, and Mr. CARDIN):

S. 676. A bill to prevent tax-related identity theft and tax fraud; to the Committee on Finance.

By Mr. ROBERTS:

S. 677. A bill to amend the Federal Crop Insurance Act to extend and improve the crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CASEY (for himself and Mr. HARKIN):

S. 678. A bill to amend the Food, Conservation, and Energy Act of 2008 to establish a program to provide loans for local farms, ranches, and market gardens to improve public health and nutrition, reduce energy consumption, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BROWN (for himself, Mr. CASEY, Mr. COWAN, Mrs. GILLIBRAND, Ms. MIKULSKI, Mr. DURBIN, Mr. HARKIN, Mr. LEAHY, Mr. TESTER, Mr. WYDEN, and Mrs. SHAHEEN):

S. 679. A bill to promote local and regional farm and food systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. AYOTTE (for herself and Mr. BEGICH):

S. 680. A bill to rescind amounts appropriated for fiscal year 2013 for the Department of Defense for the Medium Extended Air Defense System, and for other purposes; read the first time.

By Mr. VITTER:

S. 681. A bill to extend the seaward boundaries of certain States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COBURN (for himself, Mr. BURR, and Mr. ALEXANDER):

S. 682. A bill to amend the Higher Education Act of 1965 to reset interest rates for new student loans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN:

S. 683. A bill to require the Secretary of Homeland Security to develop a comprehensive strategy to gain and maintain operational control of the international borders of the United States, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHNSON of South Dakota:

S. 684. A bill to amend the Mni Wiconi Project Act of 1988 to facilitate completion of the Mni Wiconi Rural Water Supply System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANDERS:

S. 685. A bill to address the concept of "Too Big To Fail" with respect to certain financial entities; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRYOR:

S. 686. A bill to extend the right of appeal to the Merit Systems Protection Board to

certain employees of the United States Postal Service; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MORAN (for himself, Mr. BLUMENTHAL, Mr. INHOFE, Mr. ROBERTS, Ms. AYOTTE, Mr. BLUNT, Mr. BOOZMAN, Mr. KAINE, Mr. KIRK, Ms. KLOBUCHAR, Mr. MANCHIN, Mr. MERKLEY, Mr. PRYOR, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WICKER, Mr. FRANKEN, and Mr. NELSON):

S. 687. A bill to prohibit the closing of air traffic control towers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Mr. CRAPO):

S. 688. A bill to permanently extend the private mortgage insurance tax deduction; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. ALEXANDER, Mr. FRANKEN, Mr. ENZI, Mr. BENNET, Ms. MURKOWSKI, Ms. BALDWIN, Mr. ROBERTS, Mrs. HAGAN, and Mr. ISAKSON):

S. 689. A bill to reauthorize and improve programs related to mental health and substance use disorders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. 690. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BLUMENTHAL (for Mr. LAUTENBERG (for himself, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. MURPHY, Mr. WHITEHOUSE, Mr. COWAN, Ms. HIRONO, Mr. KAINE, Mr. MERKLEY, and Mr. ROCKEFELLER)):

S. 691. A bill to regulate large capacity ammunition feeding devices; read the first time.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. SHAHEEN (for herself, Ms. AYOTTE, Ms. COLLINS, and Mr. KING):

S. Res. 94. A resolution recognizing the 50th anniversary of the sinking of the U.S.S. Thresher (SSN 593); considered and agreed to.

## ADDITIONAL COSPONSORS

S. 138

At the request of Mr. VITTER, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 138, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 169

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 169, a bill to amend the Immigration and Nationality Act to authorize additional visas for well-educated aliens to live and work in the United States, and for other purposes.

S. 189

At the request of Mr. UDALL of Colorado, the name of the Senator from

Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 189, a bill to establish an employment-based immigrant visa for alien entrepreneurs who have received significant capital from investors to establish a business in the United States.

S. 309

At the request of Mr. HARKIN, the names of the Senator from Idaho (Mr. CRAPO), the Senator from Nebraska (Mr. JOHANNES), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Rhode Island (Mr. REED), the Senator from New York (Mr. SCHUMER), the Senator from New Mexico (Mr. UDALL), the Senator from Hawaii (Ms. HIRONO), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Nevada (Mr. HELLER), the Senator from Washington (Mrs. MURRAY), the Senator from Pennsylvania (Mr. CASEY), the Senator from Michigan (Mr. LEVIN), the Senator from Michigan (Ms. STABENOW), the Senator from Massachusetts (Ms. WARREN), the Senator from Oklahoma (Mr. COBURN), the Senator from Virginia (Mr. WARNER) and the Senator from North Dakota (Ms. HEITKAMP) were added as cosponsors of S. 309, a bill to award a Congressional Gold Medal to the World War II members of the Civil Air Patrol.

S. 316

At the request of Mr. SANDERS, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Massachusetts (Mr. COWAN) were added as cosponsors of S. 316, a bill to recalculate and restore retirement annuity obligations of the United States Postal Service, to eliminate the requirement that the United States Postal Service prefund the Postal Service Retiree Health Benefits Fund, to place restrictions on the closure of postal facilities, to create incentives for innovation for the United States Postal Service, to maintain levels of postal service, and for other purposes.

S. 323

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 323, a bill to amend title XVIII of the Social Security Act to provide for extended months of Medicare coverage of immunosuppressive drugs for kidney transplant patients and other renal dialysis provisions.

S. 336

At the request of Mr. ENZI, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of S. 336, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 367

At the request of Mr. CARDIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 367, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

S. 380

At the request of Mrs. MURRAY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 380, a bill to amend the Public Health Service Act to reauthorize and update the National Child Traumatic Stress Initiative for grants to address the problems of individuals who experience trauma and violence related stress.

S. 393

At the request of Mr. COONS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 393, a bill to designate additional segments and tributaries of White Clay Creek, in the States of Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

S. 407

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 407, a bill to provide funding for construction and major rehabilitation for projects located on inland and intracoastal waterways of the United States, and for other purposes.

S. 423

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 423, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 462, a bill to enhance the strategic partnership between the United States and Israel.

S. 463

At the request of Mr. PRYOR, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 463, a bill to amend the Farm Security and Rural Investment Act of 2002 to modify the definition of the term "biobased product".

S. 502

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 502, a bill to assist States in providing voluntary high-quality universal prekindergarten programs and programs to support infants and toddlers.

S. 526

At the request of Mr. BAUCUS, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions, and for other purposes.

S. 541

At the request of Ms. LANDRIEU, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Maine (Ms. COLLINS) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 541, a bill to prevent human health threats posed by the consumption of equines raised in the United States.

S. 548

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 548, a bill to amend title 10, United States Code, to improve and enhance the capabilities of the Armed Forces to prevent and respond to sexual assault and sexual harassment in the Armed Forces, and for other purposes.

S. 554

At the request of Mr. ISAKSON, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 554, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 557

At the request of Mrs. HAGAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 557, a bill to amend title XVIII of the Social Security Act to improve access to medication therapy management under part D of the Medicare program.

S. 562

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 562, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 572

At the request of Mr. BURR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 572, a bill to amend title 38, United States Code, to clarify the conditions under which certain persons may be treated as adjudicated mentally incompetent for certain purposes.

S. 579

At the request of Mr. MENENDEZ, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Nebraska (Mrs. FISCHER) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 579, a bill to direct the Secretary of State to develop a strategy to obtain observer status for Taiwan at the triennial International Civil Aviation Organization Assembly, and for other purposes.

S. 603

At the request of Mr. BARRASSO, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 603, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 617

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 617, a bill to provide humanitarian assistance and support a democratic transition in Syria, and for other purposes.

S. 641

At the request of Mr. WYDEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 641, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 642

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 642, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. RES. 65

At the request of Mr. GRAHAM, the names of the Senator from Hawaii (Mr. SCHATZ) and the Senator from Massachusetts (Mr. COWAN) were added as cosponsors of S. Res. 65, a resolution strongly supporting the full implementation of United States and international sanctions on Iran and urging the President to continue to strengthen enforcement of sanctions legislation.

S. RES. 70

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Res. 70, a resolution designating the last full week of July 2013 as "National Moth Week", recognizing the importance of moths in the United States, and recognizing the value of National Moth Week for promoting the conservation of moths and increasing the awareness, study, and appreciation of moths, their incredible biodiversity, and their importance to ecosystem health.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. BLUMENTHAL, Mrs. BOXER, Mr. MERKLEY, and Mr. WHITEHOUSE):

S. 673. A bill to amend the Truth in Lending Act to establish a national usury rate for consumer credit transactions; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN, Mr. President, after the financial crisis of 2008 we learned that predatory lending hurts more than just families who lost money. Predatory

lending can affect entire communities and often targets the most vulnerable in our society—low-income families and seniors.

Under Wall Street reform we addressed predatory mortgage practices and granted the Consumer Financial Protection Bureau the authority to supervise nonbank lenders, including payday lenders. We know who these payday folks are. I know them because their businesses are located a few blocks from where I live in Springfield, IL, on MacArthur Boulevard—title loans, payday loans. However, we failed to cap once and for all the annual interest rate that predatory payday lenders can charge for a loan.

In 2012 payday loan volume reached an estimated \$45 billion for storefront and online loans. This does not include deposit advance loans that banks make to consumers every day.

If we look a bit deeper, we find that nearly 76 percent of payday loans are made to pay off a previous payday loan. It is a vicious cycle. Someone borrows some money, then they cannot pay it back with high interest rates, and they borrow more—deeper and deeper in debt. Fifty percent of payday borrowers ultimately default on their loans.

With numbers like these, we can only assume payday lenders' profit depends on families rolling their payday loan over eight to nine times—racking up new fees every single time.

Predatory lenders should not be allowed to pad their pockets with the hard-earned money of families that are barely getting by. These are families who are not even able to survive paycheck to paycheck.

That is why I am introducing the Protecting Consumers from Unreasonable Credit Rates Act. I wish to thank my colleagues—Senators BLUMENTHAL, BOXER, MERKLEY, and WHITEHOUSE—for their cosponsorship of this bill and their commitment to protect consumers from predatory lending practices.

This bill would establish a 36-percent annual interest rate cap for all types of consumer credit—a cap that is supported by 100 years of history according to a new report released by the National Consumer Law Center.

That is the same Federal cap that is currently in place for loans marketed to military servicemembers and their families.

Why would we protect military service families from predatory lending and no one else? I will tell you why. We found out that many of them in the military ran into financial difficulties from time to time, and the payday lenders—the title loans and the rest of them—were camping out outside of military facilities anxious to loan members of the military the money they needed to get by until the next payday. Many of our soldiers got so deeply in debt to payday loans they had to leave military service. They just could not keep up with it. So we passed

a law that said we are going to protect military families from this exploitation. Our soldiers and sailors, airmen and marines are worth that much more to us that we are going to protect them.

Well, there is an obvious question: Why are we not protecting everybody? If this kind of exploitation is wrong when it comes to military families, why is it not wrong for the rest of America? It surely is. We should expand the law that curbed payday, car title, and tax refund lending around military bases to include all types of credit for all borrowers. If a lender cannot make money on a 36-percent APR, maybe the loan should not have been made in the first place.

Fifteen States and the District of Columbia have already enacted laws that protect homeowners from high-cost loans, and 34 States and the District of Columbia have limited annual interest rates to 36 percent or less for one or more types of consumer credit. But there is a problem with the State-by-State approach: Many of these State laws are riddled with loopholes. Out-of-State lenders evade these State caps. Cash-strapped customers are then subjected to 400 percent annual interest rates for payday loans, on average, and 300 percent for car title loans, on average—400 percent interest? Our bill would require all lending to conform to the 36-percent APR limit, thereby eliminating the loopholes that have allowed predatory practices to flourish in many States around the country.

Let me be clear. I understand that sometimes families fall on hard times. They need a loan to make ends meet. They are desperate. Most of us have been there at one time or another in our lives. That is why I have included in this bill the flexibility for responsible lenders to replace payday loans with reasonably priced, small-dollar loan alternatives. The bill allows lenders to exceed the 36-percent cap for one-time application fees that cover the cost of setting up a new customer account and a processing cost, such as late charges and insufficient funds fees. I urge more institutions to offer small-dollar loans with consumer protections, including rates below 36 percent.

We know it can be done because banks and credit unions—many of them—are offering those loans.

I would also like to talk about a new type of payday lending—the online payday loan. Senator MERKLEY of Oregon and Senator TOM UDALL of New Mexico are leading the effort to crack down on these types of lenders who use the Internet to evade State law. Their bill, called the Safe Lending Act, would address online payday lending, such as hiding behind layers of anonymously registered Web sites and so-called lead generators. The bill would allow consumers to cancel a debit and prohibit payday lenders from circumventing State usury laws. We need more effective enforcement on online payday lenders. The Safe Lending Act would do it.

Another type of payday lending that I am afraid is on the rise is bank payday lending. Several banks offer deposit advance loans, which closely resemble the structure of payday loans, with up to 365 percent interest rates and short-term balloon payments.

Earlier this year, Senators BLUMENTHAL and I wrote a letter to the Federal Reserve, OCC, and the FDIC urging them to prohibit banks from offering predatory payday loans. Today, a petition signed by 157,000 Americans will be delivered to the same regulators calling on them to ban banks from offering payday loan products. I hope they do.

My first mentor in politics was the late Senator Paul Douglas of Illinois. He was a Ph.D. in economics who served here from 1948 to 1966. I met him at the end of his career when I was a college student. He wrote:

Compound the camouflaging of credit by loading on all sorts of extraneous fees, such as exorbitant fees for credit life insurance, excessive fees for credit investigation, and all sorts of loan processing fees which rightfully should be included in the percentage rate statement so that any percentage rate quoted is meaningless and deceptive.

Senator Douglas said that 50 years ago. The name of the fees may have changed over time, but the goal of nickel-and-diming families out of their hard-earned money, unfortunately, has not changed.

By instituting a 36-percent cap on annual interest rates, the Protecting Consumers from Unreasonable Credit Rates Act would eliminate products that are predatory by their nature. The bill is supported by more than 40 consumer groups. They include Americans for Financial Reform, the Center for Responsible Lending, the Consumer Federation of America, and the National Consumer Law Center.

I ask unanimous consent to have printed in the RECORD a letter from these organizations in support of this legislation.

APRIL 9, 2013.

Re Protecting Consumers from Unreasonable Credit Rates

Hon. RICHARD J. DURBIN,  
Hart Senate Building,  
Washington, DC.

DEAR SENATOR DURBIN: Thank you for introducing the "Protecting Consumers from Unreasonable Credit Rates Act of 2013," which would extend the 36 percent usury APR cap for military families enacted in the Military Lending Act of 2006 to all consumers. A fair rate cap will protect consumers and curb abuses in the high-cost small dollar loan market. The 36 percent rate cap set by your legislation would permit responsible lending to consumers with less-than-perfect credit while restraining harmful terms.

Currently, consumers pay triple-digit rates for car title and payday loans (including those offered at traditional storefronts, online, and by banks). A large body of research has demonstrated that these products are structured to create a long-term debt trap that drains consumers' bank accounts. Indeed, the lack of underwriting, high fees, short loan terms, single balloon payment, and access to a borrower's checking account

as collateral ensure that most borrowers have no choice but to take out additional loans to pay off the initial payday or car title loan. A properly structured federal usury cap puts all creditors on a level playing field without undermining any additional consumer protections in the states.

Although many states cap rates for some forms of credit, banks can undermine these protections by exporting their weak home-state limits on credit costs to other states across the country. It is vitally important for Congress to set the outside limit on the cost-of-credit to curb abusive lending.

We enthusiastically support the Protecting Consumers from Unreasonable Credit Rates Act of 2013. For more information, please contact Tom Feltner, director of financial services, Consumer Federation of America at (202) 618-0310 or [tfeltner@consumerfed.org](mailto:tfeltner@consumerfed.org).

Sincerely,

Alabama Appleseed, Alabama Arise, Americans for Financial Reform, Arkansans Against Abusive Payday Lending, Arkansas Community Organizations, California Reinvestment Coalition, Southwest Center for Economic Integrity (AZ), Center for Responsible Lending, Citizen Action Illinois, Coalition of Religious Communities (Utah), Consumer Action, Consumer Assistance Council, Inc. (MA).

Consumer Federation of America, Consumers for Auto Reliability and Safety (CA), Consumers Union, Economic Fairness Oregon, Dēmos, Green America, Florida Consumer Action Network, Jesuit Social Research Institute, Loyola University, New Orleans Kentucky Coalition for Responsible Lending, Mississippi Center for Justice, Monsignor John Egan Campaign for Payday Loan Reform (IL), NAACP.

National Association of Consumer Advocates, National Community Reinvestment Coalition, National Consumer Law Center, on behalf of its low income clients, National People's Action, Neighborhood Economic Development Advocacy Project (NY), New Jersey Citizen Action, Maryland CASH Campaign, Maryland Consumer Rights Coalition, Project IRENE (IL), RAISE Kentucky, Reinvestment Partners (NC), Sargent Shriver National Center on Poverty Law (IL), South Carolina Appleseed Legal Justice Center, Southern Poverty Law Center, Virginia Citizens Consumer Council, Virginia Poverty Law Center, Woodstock Institute (IL).

Mr. DURBIN. Mr. President, we can allow American consumers today to keep more of their hard-earned money by establishing a reasonable fee and an annual interest rate cap, combating abuses by Internet payday lenders, and eliminating bank payday loans. Families and their communities are sure to benefit by saving more and putting more of their earnings back into the economy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 673

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting Consumers from Unreasonable Credit Rates Act of 2013".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) attempts have been made to prohibit usurious interest rates in America since colonial times;

(2) at the Federal level, in 2006, Congress enacted a Federal 36 percent annualized usury cap for service members and their families for covered credit products, as defined by the Department of Defense, which curbed payday, car title, and tax refund lending around military bases;

(3) notwithstanding such attempts to curb predatory lending, high-cost lending persists in all 50 States due to loopholes in State laws, safe harbor laws for specific forms of credit, and the exportation of unregulated interest rates permitted by preemption;

(4) due to the lack of a comprehensive Federal usury cap, consumers annually pay approximately \$23,700,000,000 for high-cost overdraft loans, as much as \$8,100,000,000 for storefront and online payday loans, and additional amounts in unreported revenues from bank direct deposit advance loans and high-cost online installment loans;

(5) cash-strapped consumers pay on average 400 percent annual interest for payday loans, 300 percent annual interest for car title loans, up to 3,500 percent for bank overdraft loans, and triple-digit rates for online installment loans;

(6) a national maximum interest rate that includes all forms of fees and closes all loopholes is necessary to eliminate such predatory lending; and

(7) alternatives to predatory lending that encourage small dollar loans with minimal or no fees, installment payment schedules, and affordable repayment periods should be encouraged.

#### SEC. 3. NATIONAL MAXIMUM INTEREST RATE.

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

##### "SEC. 140B. MAXIMUM RATES OF INTEREST.

"(a) IN GENERAL.—Notwithstanding any other provision of law, no creditor may make an extension of credit to a consumer with respect to which the fee and interest rate, as defined in subsection (b), exceeds 36 percent.

"(b) FEE AND INTEREST RATE DEFINED.—

"(1) IN GENERAL.—For purposes of this section, the fee and interest rate includes all charges payable, directly or indirectly, incident to, ancillary to, or as a condition of the extension of credit, including—

"(A) any payment compensating a creditor or prospective creditor for—

"(i) an extension of credit or making available a line of credit, such as fees connected with credit extension or availability such as numerical periodic rates, annual fees, cash advance fees, and membership fees; or

"(ii) any fees for default or breach by a borrower of a condition upon which credit was extended, such as late fees, creditor-imposed not sufficient funds fees charged when a borrower tenders payment on a debt with a check drawn on insufficient funds, overdraft fees, and over limit fees;

"(B) all fees which constitute a finance charge, as defined by rules of the Bureau in accordance with this title;

"(C) credit insurance premiums, whether optional or required; and

"(D) all charges and costs for ancillary products sold in connection with or incidental to the credit transaction.

"(2) TOLERANCES.—

"(A) IN GENERAL.—With respect to a credit obligation that is payable in at least 3 fully amortizing installments over at least 90 days, the term 'fee and interest rate' does not include—

"(i) application or participation fees that in total do not exceed the greater of \$30 or, if there is a limit to the credit line, 5 percent of the credit limit, up to \$120, if—

"(I) such fees are excludable from the finance charge pursuant to section 106 and regulations issued thereunder;

"(II) such fees cover all credit extended or renewed by the creditor for 12 months; and

"(III) the minimum amount of credit extended or available on a credit line is equal to \$300 or more;

"(ii) a late fee charged as authorized by State law and by the agreement that does not exceed either \$20 per late payment or \$20 per month; or

"(iii) a creditor-imposed not sufficient funds fee charged when a borrower tenders payment on a debt with a check drawn on insufficient funds that does not exceed \$15.

"(B) ADJUSTMENTS FOR INFLATION.—The Bureau may adjust the amounts of the tolerances established under this paragraph for inflation over time, consistent with the primary goals of protecting consumers and ensuring that the 36 percent fee and interest rate limitation is not circumvented.

"(c) CALCULATIONS.—

"(1) OPEN END CREDIT PLANS.—For an open end credit plan—

"(A) the fee and interest rate shall be calculated each month, based upon the sum of all fees and finance charges described in subsection (b) charged by the creditor during the preceding 1-year period, divided by the average daily balance; and

"(B) if the credit account has been open less than 1 year, the fee and interest rate shall be calculated based upon the total of all fees and finance charges described in subsection (b)(1) charged by the creditor since the plan was opened, divided by the average daily balance, and multiplied by the quotient of 12 divided by the number of full months that the credit plan has been in existence.

"(2) OTHER CREDIT PLANS.—For purposes of this section, in calculating the fee and interest rate, the Bureau shall require the method of calculation of annual percentage rate specified in section 107(a)(1), except that the amount referred to in that section 107(a)(1) as the 'finance charge' shall include all fees, charges, and payments described in subsection (b)(1) of this section.

"(3) ADJUSTMENTS AUTHORIZED.—The Bureau may make adjustments to the calculations in paragraphs (1) and (2), but the primary goals of such adjustment shall be to protect consumers and to ensure that the 36 percent fee and interest rate limitation is not circumvented.

"(d) DEFINITION OF CREDITOR.—As used in this section, the term 'creditor' has the same meaning as in section 702(e) of the Equal Credit Opportunity Act (15 U.S.C. 1691a(e)).

"(e) NO EXEMPTIONS PERMITTED.—The exemption authority of the Bureau under section 105 shall not apply to the rates established under this section or the disclosure requirements under section 127(b)(6).

"(f) DISCLOSURE OF FEE AND INTEREST RATE FOR CREDIT OTHER THAN OPEN END CREDIT PLANS.—In addition to the disclosure requirements under section 127(b)(6), the Bureau may prescribe regulations requiring disclosure of the fee and interest rate established under this section.

"(g) RELATION TO STATE LAW.—Nothing in this section may be construed to preempt any provision of State law that provides greater protection to consumers than is provided in this section.

"(h) CIVIL LIABILITY AND ENFORCEMENT.—In addition to remedies available to the consumer under section 130(a), any payment compensating a creditor or prospective creditor, to the extent that such payment is a transaction made in violation of this section, shall be null and void, and not enforceable by any party in any court or alternative dispute resolution forum, and the creditor or any subsequent holder of the obligation shall

promptly return to the consumer any principal, interest, charges, and fees, and any security interest associated with such transaction. Notwithstanding any statute of limitations or repose, a violation of this section may be raised as a matter of defense by recoupment or setoff to an action to collect such debt or repossess related security at any time.

“(i) VIOLATIONS.—Any person that violates this section, or seeks to enforce an agreement made in violation of this section, shall be subject to, for each such violation, 1 year in prison and a fine in an amount equal to the greater of—

“(1) 3 times the amount of the total accrued debt associated with the subject transaction; or

“(2) \$50,000.

“(j) STATE ATTORNEYS GENERAL.—An action to enforce this section may be brought by the appropriate State attorney general in any United States district court or any other court of competent jurisdiction within 3 years from the date of the violation, and such attorney general may obtain injunctive relief.”

#### SEC. 4. DISCLOSURE OF FEE AND INTEREST RATE FOR OPEN END CREDIT PLANS.

Section 127(b)(6) of the Truth in Lending Act (15 U.S.C. 1637(b)(6)) is amended by striking “the total finance charge expressed” and all that follows through the end of the paragraph and inserting “the fee and interest rate, displayed as ‘FAIR’, established under section 141.”

By Mr. ROBERTS:

S. 677. A bill to amend the Federal Crop Insurance Act to extend and improve the crop insurance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ROBERTS. Mr. President, today I have just introduced legislation in regards to our efforts to, once again, try to address a farm bill on behalf of our Nation's farmers, ranchers, and dairy producers. We passed a farm bill in the last session. It was one of the first bills where we achieved regular order, i.e., where every Senator had an opportunity to have an amendment. Many did. We had over 300, as I recall—“we” meaning the distinguished chairperson of the committee, Senator STABENOW, and myself as the ranking member at that particular time. Thank goodness not all 300 demanded a vote, but I think we voted 73 times, and we passed the bill by a good bipartisan margin. I hope we can get back to that. The chairperson, Senator STABENOW, is working very diligently to produce another farm bill.

I see the distinguished majority leader coming to the floor. He was very helpful in our pleas to bring a farm bill to the floor. Senator REID actually asked me whether we could do it in 3 days as I promised, and we did it in 2½, so with cooperation we got that done. It was, as I say, the first bill we took up in the last session where we did have regular order. I hope we can keep that record. I thank the majority leader for his efforts in that regard.

Why am I bringing this up now, even before we mark up in regards to the bill I have introduced? Basically because farmers are now planting their

crops despite 3 years of drought and all sorts of hardship and all sorts of uncertainty about a farm bill. We have extended the 2008 act. It is not what we wanted to do in the Senate, but that is what happened. So we hope that does not happen again.

We hope we can work again in a bipartisan way to produce a product that not only helps the farmer and rancher—we have, what, 6 billion people in the world today? We are going to go to 9 billion people in the next several decades. Everybody in the Senate should be aware of that. It is an overriding issue. We are going to have to double our agricultural production if we are going to continue our efforts to feed this country in a troubled and hungry world.

That even has national security implications. Show me a country that does not have a stable food supply, and I will show you a country that is in a lot of trouble. Just read about the Midwest and what is happening there.

What do farmers want? I mean what was the No. 1 issue we heard—“we” meaning, again, Senator STABENOW and I—when we held farm hearings both in Michigan, specialty crops, and Kansas, program crops: wheat, corn, beans et cetera? Over and over the No. 1 issue was crop insurance.

We were trying to get out of the business or stay out of the business of farmers planting for the government. And “farm subsidies,” that always makes the headlines in the Washington Post for people who for the most part have never been west of the Missouri River.

Despite all the criticisms of the farm program, I think we consolidated and reformed 100 different programs. We saved roughly \$23 or \$24 billion—the first authorizing committee to do so. We also strengthened and improved crop insurance. That was the No. 1 issue for farm lenders, the No. 1 issue for farmers and ranchers, and the No. 1 issue for everybody involved in the miracle of agriculture that allows us to do this so Americans have the safest, most abundant, and cheapest food in the history of the world.

I hear time and time again from our producers and their lenders that crop insurance is the cornerstone of the farm safety net. I hear it at home in Kansas. We hear it in the Agriculture Committee. I hear it every time I speak to producers in Washington. I know the chairperson of the committee, Senator STABENOW, has heard the same. All members of the committee know the value of crop insurance. I mean all members of the distinguished Committee on Agriculture.

As we head into another round of farm bill debates, and I know the chairperson would like to get it done, would like to mark up a bill in the next 3 weeks—I don't know if that is possible; we will see. We did that in 2½ days in the last session of Congress. Whether we can do that again I am not sure—I am constantly asked for my priorities,

and my priorities reflect what I have heard from farmers and ranchers at home and their bankers and their lenders and everybody who wants consistency. The No. 1 priority for the farm bill is crop insurance. If you doubt the importance of crop insurance, just look what it has provided the past 2 years. It is rather unbelievable.

Since 2011 we have faced the worst drought since the Dust Bowl in Kansas, Oklahoma, and Texas—and in Nebraska now. In so many cases Nebraska is worse than any other place.

Then we had the massive flooding along the Mississippi and the Missouri Rivers, and hurricanes that simply devastated the Northeast as well. I don't know what we have done to Mother Nature, but she sure has not been very kind to us. In 2012 the drought worsened and spread across the Midwest to States such as Missouri, Iowa, and Illinois. Now that we are into the Midwest, now we have headlines about the drought. When we burn up almost every year out in our country, on the high plains, nobody gets any attention. But they get it in the Midwest, they get a lot of attention.

Just months after all of this, why are producers still now tuning up their equipment and preparing their fields to put seed in the ground once again? A farmer never puts any seed in the ground without hope for a crop. Hope springs eternal with regard to agriculture, and here we are, once again, having that capability. It is not because of some agriculture ad hoc disaster program that seems to appear every even-numbered year in this body or any package for farmers, through a disaster program, that would represent some kind of help. Farmers are back on their feet and producing the food that feeds a troubled and hungry world because of crop insurance. They are able to put the seed in the ground again because they managed their risk and protected their operations from Mother Nature's destruction through the purchase of crop insurance.

This is the one component of the farm safety net that requires a producer to have skin in the game. We could apply that to a lot of other things that we debate on the floor of the Senate. Don't forget, crop insurance only provides coverage if a producer actually has a loss. So a Kansas farmer might pay into the crop insurance system for years or a farmer or a producer from Wisconsin or, for that matter, anyplace that values agriculture. But if they never experience a severe loss or a natural disaster, they will never receive a penny. Simply, crop insurance allows producers a way to manage risk so they can continue to provide a stable and secure food supply and pass their operations on to their children.

If that is not a success story in the partnership between government and private industry and America's farmers, I don't know what is. But just because a program is successful doesn't

mean there is not room for improvement. That is what the bill is that I just laid at the desk.

Crop insurance is a big tent with plenty of room under it. The program already protects more than 250 million acres of cropland in the United States, more than two-thirds of the eligible acres that we farm. But there are still acres that are not protected and producers who cannot afford to purchase this kind of protection they need. The more producers under that crop insurance tent, and the more that are protected from disaster, the more stable our food supply and our rural economies will be.

We made great progress, as I said, last year in the Agriculture Committee and on the Senate floor improving crop insurance to bring even more people under the tent. Today, I am here again to continue our work to preserve and protect and strengthen our crop insurance. My legislation enhances the Crop Insurance Program by including something called a Supplemental Coverage Option. The acronym for that is SCO. It allows producers to purchase additional crop insurance coverage on an area yield and loss basis. It also amends the Federal Crop Insurance Act to make available separate enterprise units for irrigated and nonirrigated acreages of crops in counties. That is especially helpful in regard to what we are going through with another year of drought.

The bill also addresses the declining Actual Production History, that is a yield problem, by increasing the county transitional yield. So if someone did not have a yield in their farm, but they could then go to the county yield average, they would be in a lot better shape. They would be helped out in one area and not another area. This would help in that respect.

The legislation also sets budget limitations. Yes, we set budget limitations on future renegotiation of what is called the Standard Reinsurance Agreement by requiring any savings realized in the SRA renegotiations to return to the Crop Insurance Program, to return to the RMA programs. Let's not use the Crop Insurance Program where we have savings and then use it as a bank for other programs. That has happened far too often—in the Senate and in the House.

The legislation also continues the Stacked Income Protection Plan—that is known as STAX—for the producers who plant upland cotton. That means all or most all of the products that we produce in the organizations that represent those commodities and represent those farmers who grow the commodities are in agreement—and cotton was very helpful in the last farm bill.

Meanwhile, in order to help pay down the debt and reduce the deficit, the legislation is fully paid for by the elimination of direct payments which saves taxpayers \$5 billion over 10 years. Overall, the legislation will strengthen the

farm safety net while at the same time saving taxpayers billions of dollars and preventing costly ad hoc agriculture disaster programs.

There are those who don't believe in a good Crop Insurance Program. When Mother Nature doesn't behave and they get into these terribly destructive forces of nature—and it always happens. As I have said, it usually happens on an even-numbered year. If they are going to get into a disaster program and take part in it, they better darn well make sure to say: OK. I am going to help you out, but don't put your name on it. Because when it comes out to the Farm Service Agency and all the people who are supposed to implement it at the Department of Agriculture and in almost every county in the United States, it is a disaster to implement and the farmer doesn't get the kind of help he or she needs. That is not the way to do business. The cost annually is far greater than the Crop Insurance Program.

Overall, the legislation will strengthen the farm safety net while at the same time saving the taxpayers billions of dollars. It prevents ad hoc agriculture disaster programs. That is what the farmer wants. The farmer wants certainty. If he takes part in a Crop Insurance Program, he has certainty and he has protection.

There was a time in the not-so-distant past when the farm programs greatly distorted planning decisions. As chairman of the House Agriculture Committee, back in the day, along with others in the Senate, we did everything we could to eliminate those distortions. Why? Because with the World Trade Organization, we could get in a lot of trouble.

I am confident this proposal is the responsible path forward for agriculture, and it will not drive planting decisions or leave farmers to plant for the government program rather than the marketplace. With this crop insurance legislation, we have the opportunity to improve on an enormously successful program and continue good farm program policies.

We have a lot of work ahead of us to pass and sign a farm bill into law. A lot of farmers and a lot of ranchers are depending on it, and there are a lot of people who benefit from it. As I said, we have the lowest cost and safest food in the history of the world, and it allows us to use our wherewithal in a humanitarian way to be of help to those in need who undergo some very difficult circumstances. As I have indicated, agriculture involves our national security.

I look forward to working with my colleagues in the Agriculture Committee, farmers across the country, and industry partners to enact this legislation as part of the farm bill.

By Mr. JOHNSON of South Dakota:

S. 684. A bill to amend the Mni Wiconi Project Act of 1988 to facilitate

completion of the Mni Wiconi Rural Water Supply System, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. JOHNSON of South Dakota. Mr. President, today I am introducing the Mni Wiconi Project Act Amendments of 2013 to facilitate completion of a rural water supply system that was first authorized in the 100th Congress. As a freshman Member of the House of Representatives, I introduced legislation authorizing construction of the Mni Wiconi Project to bring quality, treated Missouri River water to several Indian reservations and a large, rural area of my State. Prior to Mni Wiconi, these areas faced insufficient and, too often, unsafe drinking water.

In the authorizing statute, Congress found that the United States has a trust responsibility to ensure that adequate and safe water supplies are available to meet the economic, environmental, water supply, and public health needs of the Pine Ridge Indian Reservation, Rosebud Indian Reservation, and Lower Brule Indian Reservation. Treated drinking water from the Missouri River now reaches most areas on these three reservations, as well as the 7 county area of the West River/Lyman-Jones Rural Water System.

Nearly 25 years after it was first authorized, this critically important project is very close to completion. Because appropriations failed to keep pace with projected timelines, however, additional administrative costs have cut into construction funding. As a result, the project needs an increase in the cost ceiling and extension of its authorization in order to be completed. Without these adjustments, some portions of the Oglala Sioux Rural Water Supply System and Rosebud Sioux Rural Water System will remain incomplete. The legislation I have introduced today addresses this shortfall and also directs other Federal agencies that support rural water development to assist the Bureau of Reclamation in improving and repairing existing community water systems that are important components of the project.

Our Federal responsibility to address the need for adequate and safe drinking water supplies on the Pine Ridge, Rosebud and Lower Brule Indian Reservations remains as important as ever. I look forward to working with my colleagues to advance this legislation.

By Mr. SCHATZ (for himself and Ms. HIRONO):

S. 690. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. SCHATZ. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.



There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 690

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Filipino Veterans Fairness Act of 2013”.

#### SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “not” after “Army of the United States, shall”; and

(B) by striking “, except benefits under—” and all that follows in that subsection and inserting a period;

(2) in subsection (b)—

(A) by striking “not” after “Armed Forces Voluntary Recruitment Act of 1945 shall”; and

(B) by striking “except—” and all that follows in that subsection and inserting a period;

(3) by amending subsection (c) to read as follows:

“(c) DETERMINATION OF ELIGIBILITY.—

“(1) IN GENERAL.—In determining the eligibility of the service of an individual under this section, the Secretary shall take into account any alternative documentation regarding such service, including documentation other than the Missouri List, that the Secretary determines relevant.

“(2) REPORT.—Not later than March 1 of each year, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and Committee on Veterans’ Affairs of the House of Representatives a report that includes—

“(A) the number of individuals applying for benefits pursuant to this section during the previous year; and

“(B) the number of such individuals that the Secretary approved for benefits.”; and

(4) by amending subsection (d) to read as follows:

“(d) RELATION TO FILIPINO VETERANS EQUITY COMPENSATION FUND.—Section 1002(h) of the American Recovery and Reinvestment Act of 2009 (title X of division A of Public Law 111–5; 123 Stat. 200; 38 U.S.C. 107 note) shall not apply to an individual described in subsection (a) or (b) of this section.”.

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

“§ 107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts”.

(2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

“107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.”.

#### SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on the date that is 90 days after the date of the enactment of this Act.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by this Act.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 94—RECOGNIZING THE 50TH ANNIVERSARY OF THE SINKING OF THE U.S.S. “THRESHER” (SSN 593)

Mrs. SHAHEEN (for herself, Ms. AYOTTE, Ms. COLLINS, and Mr. KING) submitted the following resolution; which was considered and agreed to:

S. RES. 94

Whereas U.S.S. *Thresher* was first launched at Portsmouth Naval Shipyard on July 9, 1960;

Whereas U.S.S. *Thresher* departed Portsmouth Naval Shipyard for her final voyage on April 9, 1963, with a crew of 16 officers, 96 sailors, and 17 civilians;

Whereas the mix of that crew reflects the unity of the naval submarine service, military and civilian, in the protection of the United States;

Whereas at approximately 7:47 a.m. on April 10, 1963, while in communication with the surface ship U.S.S. *Skylark*, and approximately 220 miles off the coast of New England, U.S.S. *Thresher* began her final descent;

Whereas U.S.S. *Thresher* was declared lost with all hands on April 10, 1963;

Whereas in response to the loss of U.S.S. *Thresher*, the United States Navy instituted new regulations to ensure the health of the submariners and the safety of the submarines of the United States;

Whereas those regulations led to the establishment of the Submarine Safety and Quality Assurance program (SUBSAFE), now 1 of the most comprehensive military safety programs in the world;

Whereas SUBSAFE has kept the submariners of the United States safe at sea ever since as the strongest, safest submarine force in history;

Whereas, since the establishment of SUBSAFE, no SUBSAFE-certified submarine has been lost at sea, which is a legacy owed to the brave individuals who perished aboard U.S.S. *Thresher*;

Whereas from the loss of U.S.S. *Thresher*, there arose in the institutions of higher education in the United States the ocean engineering curricula that enables the preeminence of the United States in submarine warfare; and

Whereas the crew of U.S.S. *Thresher* demonstrated the “last full measure of devotion” in service to the United States, and this devotion characterizes the sacrifices of all submariners, past and present: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th anniversary of the sinking of U.S.S. *Thresher*;

(2) remembers with profound sorrow the loss of U.S.S. *Thresher* and her gallant crew of sailors and civilians on April 10, 1963; and

(3) expresses its deepest gratitude to all submariners on “eternal patrol”, who are forever bound together by dedicated and honorable service to the United States of America.

#### NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Subcommittee on National Parks. The hearing will be held on Tuesday, April 23, 2013, at 2:30 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 59, to designate a Distinguished Flying Cross National Memorial at the March Field Air Museum in Riverside, California;

S. 155, to designate a mountain in the State of Alaska as Denali;

S. 156, to allow for the harvest of gull eggs by the Huna Tlingit people within Glacier Bay National Park in the State of Alaska;

S. 219, to establish the Susquehanna Gateway National Heritage Area in the State of Pennsylvania, and for other purposes;

S. 225, to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating and interpreting the role of the Buffalo Soldiers in the early years of the National Parks, and for other purposes;

S. 228, to establish the Sacramento-San Joaquin Delta National Heritage Area, California;

S. 285, to designate the Valles Caldera National Preserve as a unit of the National Park System, and for other purposes;

S. 305, to authorize the acquisition of core battlefield land at Champion Hill, Port Gibson, and Raymond for addition to Vicksburg National Military Park;

S. 349, to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes;

S. 371, to establish the Blackstone River Valley National Historical Park, to dedicate the Park to John H. Chafee, and for other purposes;

S. 476, to amend the Chesapeake and Ohio Canal Development Act to extend to the Chesapeake and Ohio Canal National Historical Park Commission;

S. 486, to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, and for other purposes;

S. 507, to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and for other purposes, and;

S. 615, to establish Coltsville National Historical Park in the State of Connecticut, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to John.Assini@energy.senate.gov.

For further information, please contact please contact David Brooks (202) 224-9863 or John Assini (202) 224-9313.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WYDEN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, April 23, 2013, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on the following legislation:

S. 306, the Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act;

S. 545, the Hydropower Improvement Act of 2013 and H.R. 267, the Hydropower Regulatory Efficiency Act of 2013; and,

A bill to promote energy savings in residential and commercial buildings and industry, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to lauren\_goldschmidt@energy.senate.gov.

For further information, please contact Sara Tucker at (202) 224-6224, Dan Adamson at (202) 224-2871, or Lauren Goldschmidt at (202) 224-5488.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 9, 2013, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on April 9, 2013, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on April 9, 2013, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on April 9, 2013, at 10 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on April 9, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 9, 2013, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON COMMUNICATIONS, TECHNOLOGY, AND THE INTERNET

Mr. LEAHY. Mr. President, I ask unanimous consent that the Subcommittee on Communications, Technology, and the Internet of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate April 9, 2013, at 10:30 a.m. in room 253 of the Russell Senate Office Building.

The committee will hold a hearing entitled, "State of Rural Communications."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SUBCOMMITTEE ON CRIME AND TERRORISM

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Crime and Terrorism, be authorized to meet during the session of the Senate April 9, 2013, at 10:00 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Current Issues in Campaign Finance Law Enforcement."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that two interns from Senator HIRONO's office, Chelsea Rabago and Ryan Mandado, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2013 first quarter Mass Mailing report is Thursday, April 25, 2013. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Senate Office of Public Records will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224-0322.

#### 180TH ANNIVERSARY OF DIPLOMATIC RELATIONS BETWEEN THE UNITED STATES AND THE KINGDOM OF THAILAND

Mr. REID. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 77 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 77) expressing the sense of Congress relating to the commemoration of the 180th anniversary of diplomatic relations between the United States and the Kingdom of Thailand.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be made and laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 77) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in the RECORD of March 18, 2013, under "Submitted Resolutions.")

#### 50TH ANNIVERSARY OF THE SINKING OF U.S.S. THRESHER

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 94.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 94) recognizing the 50th anniversary of the sinking of U.S.S. Thresher (SSN 593).

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### MEASURES READ THE FIRST TIME—S. 680 AND S. 691

Mr. REID. Madam President, there are two bills at the desk and I ask for their first reading.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time.

The legislative clerk read as follows:

A bill (S. 680) to rescind amounts appropriated for fiscal year 2013 for the Department of Defense for the Medium Extended Air Defense System, and for other purposes.

A bill (S. 691) to regulate large capacity ammunition feeding devices.

Mr. REID. I now ask for their second reading, but I object to my own request for both of these measures.

The PRESIDING OFFICER. Objection having been heard, the bills will be read for the second time on the next legislative day.

## ORDERS FOR WEDNESDAY, APRIL 10, 2013

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, April 10, 2013; that following the prayer and pledge, the Journal of proceedings be approved to date and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of the motion to proceed to S. 649, the gun safety legislation; that the next hour be equally divided and controlled between the two leaders or their designees, with Senators permitted to speak therein for up to 10 minutes each, with the first half controlled by the Republicans and the second half controlled by the majority.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. REID. Madam President, this evening, a few minutes ago, cloture was filed on the gun safety legislation. Unless there is some agreement reached tomorrow, we will vote on this Thursday morning sometime.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7 p.m., adjourned until Wednesday, April 10, 2013, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

## NATIONAL LABOR RELATIONS BOARD

HARRY I. JOHNSON III, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2015, VICE TERENCE FRANCIS FLYNN, RESIGNED.

PHILIP ANDREW MISCIMARRA, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2017, VICE BRIAN HAYES, TERM EXPIRED.

MARK GASTON PEARCE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2018. (REAPPOINTMENT)

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MARK O. SCHISSLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. ROBERT P. OTTO

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. SCOTT W. JANSSON

## IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED

WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. DANIEL B. ALLYN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. JAMES L. TERRY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. PERRY L. WIGGINS

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) PAULA C. BROWN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) THOMAS E. BEEMAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be rear admiral*

REAR ADM. (LH) KELVIN N. DIXON

REAR ADM. (LH) BRIAN L. LAROCHE

REAR ADM. (LH) JOHN C. SADLER

## IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, MARINE FORCES RESERVE, AND APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5144:

*To be lieutenant general*

LT. GEN. RICHARD P. MILLS

## IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ERIC W. ADAMS

IMELDA UDUI ANTONIO

ALISON LEE BEACH

REAGAN HOWARD BEATON

BENJAMIN A. BELLES

CHARLES M. BENNETT

ADAM DANIEL BENTZ

JEROLD ROBERT BLACK

YVONNE SUZETTE BRAKEL

WESLEY ALLEN BRAUN

GARRETT JONATHAN BRUENING

MATTHEW RICHARD BUSH

NICHOLAS DANIEL CARTER

CANDICE DEE CLERE

PATRICK O. COLAW

JEFFREY ALAN COLEMAN

JASON SPIRO DESON

DOUGLAS EVANS DEVORE II

REBECCA E. DICKINSON

TERENCE S. DOUGHERTY

JANET CHRISTINE EBERLE

COLIN P. EICHENBERGER

THOMAS AARON FINLEY

ERIC CHRISTOPHER FRANCUM

SATURA MCPHERSON GABRIEL

GREGORY JAMES GARDNER

VELMA CHERI GAY

JEREMY DAVID GEHMAN

KURT T. GERLACH

PAUL M. GESL

BRIAN KEITH HARRIS

RYAN V. HASLAM

JEFFREY TODD HAWKINS

AARON L. JACKSON

JAY C. JACKSON

CHRISTOPHER DALE JAMES

MATTHEW SCOTT JAMES

SARA CATHERINE JOBE

BRENT NELSON JONES

KAREN MICHELLE JORDAN

MATTHEW G. KARAS

SHAD RAYMOND KIDD

MARCUS E. KIMSEY

ISRAEL DAVID KING

ADAM JOSEF KOUELKA

JANE MARIE MALE

VICKI L. MARCUS

BENJAMIN FARLEY MARTIN

SHANE ALLEN MCCAMMON

IAN SHANNON MCCREEA

KEITH RICHARD MEISTER

SAMUEL THOMAS MILLER

JOHN HERRING MONTGOMERY

ANDREW REMY NORTON  
FREDERICK M. OMARA  
MARK RUSSELL ONEILL  
WINDEL LEON PATTERSON III  
MARY ELLEN PAYNE  
THOMAS BRIAN PAYNE  
DAVID M. REDMOND, JR.  
AARON PAUL ROBERTS  
ALEX JAY ROSE  
MARK F. ROSENOW  
ELVIS SANTIAGO  
WENDI MARIE SAZAMA  
TODD MICHAEL SWENSEN  
JUSTIN J. SWICK  
WILLIAM DUNCAN TORONTO  
SUSAN JUSTYNA TREPCZYNSKI  
KHELA M. VON LINSOWE  
JORDAN NEIL WALKER  
TIMOTHY R. WARD  
JOHN WAYNE WELCH, JR.  
CONSTANCE STANSELL WILKES  
CHRISTOPHER M. WU  
CORTNEY LYNN ZUERCHER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

WENDY J. BEAL  
STEPHANIE J. BUFFETT  
TONIA J. DAWSON  
VIVIAN P. DENNIS  
KELLY M. DUFFEK  
GRETCHEN J. ENGLAND  
RAMONA L. FIELDS  
VIRGINIA M. JOHNSON  
MARGRET M. JONES  
MARLENE M. KERCHENSKI  
BRENDA J. KOIRO  
REBECCA L. LEHR  
KATHERINE M. LOWRY  
IRIS A. REEDOM  
WILLIAM A. REYNOLDS  
MICHAEL H. ROSS  
ELIZABETH C. SHAW  
CHERRI L. SHIREMAN  
PAIRIN SKAGGS  
BRIAN G. TODD  
BRENDA I. WATERS  
TAMBRA L. YATES

*To be lieutenant colonel*

RICHARD C. ALES  
KATHERINE J. ALGUIRE  
ANDREW W. AYCOCK  
GEORGE A. BARAJAZ  
KERRY A. BASHINGER  
COLBY J. BENEDICT  
MARY J. BERNHEIM  
JACQUELINE E. BERRY  
KIMBERLY BOSWELL YARBROUGH  
KATHLEEN M. BRINKER  
JEFFREY C. BURGESS  
DEBORAH J. COCHRAN  
KEYVIN J. CREEDON  
JOHN CURRY, JR.  
MARK A. DAMEN  
RENEE S. DAYE  
ROSHELL L. DEAN  
DOUGLAS E. DILLON  
BETH R. DICK  
TERRI A. FISHER  
RAUL C. FLORES  
DENISE A. FOGH  
INGRID D. FORD  
JANE M. FREE  
NICHOLE A. FRITTEL  
DALIA GARCIA  
KRISTINE M. HACKETT  
RACHELLE J. HARTZE  
KAREN T. HINES  
JUDITH P. HOUK  
SHELLEY L. JAY  
ROBERT W. KING  
AMY S. KINNON  
BRIAN C. KRAFT  
PETER N. KULIS  
COLLS H. LANG  
MARGARET A. LEAVITT  
STEVEN W. LEHR  
LAURA C. LIEN  
TONEKA B. MACHADO  
BEVERLY ADAMS MAROON  
DEBORAH K. MCCALL  
REBECCA A. MCCALLERS  
LANCE J. P. MCGINNIS  
RICHARD M. MERRILL  
JOHN J. MODRA, JR.  
MICHELLE L. MONTGOMERY  
MARY A. PARKER  
AMY L. ROBEON  
REBECCA L. ROSA  
GARY D. RUESCH  
KIMBERLEE M. RUSSELL  
ELIS M. SALAMONE  
STEPHEN E. SAPIERA  
PAUL DAVID SCHROTH  
JON A. SINCLAIR  
KRISANDRA K. SMITH  
ROBERT D. SMITH  
BONNIE E. STEVENSON  
BETH N. SUMNER  
MARLYN E. THOMAS  
ANDREA S. TROUT  
BEATRICE TURLINGTONWYNN  
STACEY A. VANDYKE

KIRSTEN M. VERKAMP  
THERESA A. VERNOSKI  
GARY A. WELLS II  
CONNIE L. WINIK  
KIMBERLY A. WOOLLEY

*To be major*

ANN M. ADAMS  
JIM B. APPEL  
ELENA E. ARUSHANYAN  
ROBERT J. AUSTIN III  
VICKI R. AUTMON  
DONNA A. BAKER  
STACEY L. BALICKI  
ERICA I. BANKS  
CHERYL L. BARNES  
CLARA A. BATISTE  
BECKY M. BAUTCH  
KATHY A. BOOTHE  
TONI L. BOUDREAU  
DAVID F. BRADLEY, JR.  
REBECCA G. BUSH  
JOYCE A. BUSSARD  
JACQUELINE A. CAASI  
JULIO A. CANO  
STEPHANIE D. CARRILLO  
JASON D. CARTER  
LORI D. CARVER  
BRIAN S. CORTELLESSA  
JENNIFER N. COWIE  
BRANDY L. DALES  
SHARON M. DAY  
KARLA M. DENNARD  
TANYA IVONNE DIAZ  
CLEMENTINE DUKE  
JOEL E. ELLIOTT  
KIMBERLY R. EVANS  
ANGELA FOSUBROOKMAN  
MARY M. GAINES  
CUBBY L. GARDNER  
RYAN T. GILKEY  
LISA E. GONZALES  
ERIKA L. HARRINGTON  
IESIAH M. HARRIS  
MARK J. HAYDELL  
ANDREW D. HOFFFLER  
ELIZABETH ANNE L. HOETTELS  
WENDI G. HOLMES  
CHRISTINA N. HOWLETT  
SHANTI P. JONES  
APRIL D. KELLY  
ADRIANNE M. KETELSEN  
TROY T. KINION  
VICKIE R. KNIGHT  
MARIANA BUNTICHAJ LACUZONG  
RACHEL J. A. LEDESMA  
AMBER R. LEONE  
VICTORIA M. LYNCH  
SILKE A. MAHAN  
EDWIN MALDONADO  
DARLA J. MAYO

REBECCA L. MEADOWSCLARK  
SHELLEY L. METCALF  
SAMUEL D. MILLAR  
LISA R. MURCHISON  
CURTIS S. MURRAY  
ELIZABETH A. NORRIS  
ALISA K. PAIGE  
ANGELA P. PETTIS  
JOANN M. POOLE  
NICOLE L. PORTER  
JODI A. POTTERTON  
CRAIG PRYOR  
ANNMARIE PUTTBRESE  
ERIC K. RAUSCH  
TINA L. RAVENKINGSON  
LORRAINE RIVERAEMMANUELL  
NIKKI D. ROBINSON  
STEPHEN C. SAUNDERS  
KEITH A. SCHULTZ  
BRIAN L. SCOTT  
TERESA R. SELLERS  
REBECCA R. SHABEL  
DOUGLAS M. SHAVER  
STEVEN J. SHEA  
ROBERT J. SHERMAN, JR.  
ANDRIA D. SHIVERS  
BRIAN C. SMITH  
JENNIFER F. SMITH  
KEITH A. SMITH  
JENNIFER L. SOPER  
DONALD N. SPADUZZI  
SONNIE L. STEVENS  
LINDA A. TOMASZEWSKI  
NIKKI M. TUCKER  
ERIK S. VACARELLI  
WILLIAM C. VAN BEVEREN  
BRYCE J. VANDERZWAAG  
LORI D. WALKER  
COURTNEY E. WALLACE  
GREGORY M. WIERZBICKI  
CARLA ANN WIESE  
KELLY P. WILHITE  
KAREN L. WILLIAMS  
PATRICIA E. WILLIAMS  
NICOLE M. WILSON  
MARSHALL S. WITT  
JARED K. YOUNG

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT  
IN THE GRADE INDICATED IN THE REGULAR AIR FORCE  
UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

LOU ROSE MALAMUG

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINT-  
MENT TO THE GRADE INDICATED IN THE REGULAR AIR  
FORCE UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

KELLY A. HALLIGAN

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR REGULAR AP-  
POINTMENT IN THE GRADE INDICATED IN THE UNITED  
STATES ARMY MEDICAL SPECIALIST CORPS UNDER  
TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

ANDREW W. BEACH

THE FOLLOWING NAMED OFFICER FOR REGULAR AP-  
POINTMENT IN THE GRADE INDICATED IN THE REGULAR  
ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS  
531 AND 3064:

*To be major*

DONALD V. WOOD

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

JOHN P. NEWTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

DANIEL W. TESTA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT  
IN THE GRADE INDICATED IN THE UNITED STATES NAVY  
UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

RICHARD J. WITT

IN THE COAST GUARD

PURSUANT TO SECTION 211(A)(2), TITLE 14, U.S. CODE,  
THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO  
THE GRADE INDICATED IN THE UNITED STATES COAST  
GUARD:

*To be lieutenant commander*

LORING A. SMALL

CONFIRMATION

Executive nomination confirmed by  
the Senate April 9, 2013:

THE JUDICIARY

PATTY SHWARTZ, OF NEW JERSEY, TO BE UNITED  
STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT.